Aqeeqah and Waleema in the light of the Shari'ah

By

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Foreword to the Urdu Edition

For a while now, the Karachi-based monthly magazines "Bayyinaat" and "Al Balaagh" have featured a series of articles concerning Aqeeqah and Waleema penned by Hadhrat Khateebul Islaam رحمہ اللہ . Many friends liked these academic and well-researched the articles because they were extremely relevant to the present lifestyles of people. It was therefore decided to compile them into a booklet for the benefit of the general public.

In the publication of this booklet "Aqeeqah and Waleema in the light of the Shari'ah" and other publications, I am greatly indebted to my esteemed friends Muhammad Saleem Sahib, Muhammad Muneer Sahib, Jameel Sahib, Zaahid Sahib, Badr Sahib, Shafeeq Sahib, Maajid Sahib, Taahir Razzaaq Sahib, Qayyoom Sahib, Aarif Sahib and Amjad Sahib. It is with their assistance that these publications have been arranged in a most presentable fashion to be in your hands.

Muhammad Amjad (may Allaah forgive him)
13 Ramadhaan 1413 A.H.

The Reason for the Name "Aqeeqah"

الحمد لله و كفي و سلام علي عباده الذين اصطفي

The Arabic word Aqeeqah (عقيقة) is derived from the root word "Aq" (عَقّ) which means "to cut" because on the occasion of Aqeeqah, the child's hair is cut and an animal is slaughtered as well. Some scholars maintain that the word "Aqeeqah" refers to the hair with which a child is born. In this regard, Allaama Ali Qaari رحمه الله writes:

(عقیقہ) ای ذبیحۃ مسنونہ وھی شاۃ تذبح عن المولود الیوم السابع من
ولادتہ، سمیت بذلک لانھا تذبح حین یحلق عقیقہ و ھوالشعر الذی یکون
علی المولود حین یولد۔

(مرقاۃ شرح مشکوۃ ج ۸ ص ۱۵۴ مطبوعہ ملتان)

Allaam Badrud Deen Ayni رحمه الله says:

وقال الاصمعی العقیقہ اصلھا الشعر الذی یکون علی راس الصبی حین
یولد وسمیت الشاۃ التی تذبح عنہ فی تلک الحال عقیقہ لانہ یحلق عنہ ذلک
الشعر عند الذبح۔ وقال الخطابیؒ ھی اسم الشاۃ المذبوحۃ عن الولد و
سمیت بھا لانھا تعق عن ذابحھا ای تشق و تقطع۔

(عمدۃ القاری شرح صحیح بخاری ص ۱۷۰ ج ۲، وھکذا فی شرح
الموطا للزرقانی ص ۴۱۶ ج ۳، و سبل السلام شرح بلوغ المرام ص ۹۷ ج ۴)

Usage of the word "Aqeeqah"

Some scholars are of the opinion that Rasulullaah ρ did not like to use the word "Aqeeqah" for the animal slaughtered on the occasion of Aqeeqah because it is derived from the word "Uqooq" عُقُوق (meaning disobedience to parents). For this reason, they prefer the use of the word "Naseekah" (نَسيكة). However, Allaama Towerpishti رحمه الله makes it clear that this opinion is incorrect because Rasulullaah ρ himself used the word Aqeeqah in numerous Ahadeeth. Had Rasulullaah ρ disapproved of the name, he would have used the alternative because it was his noble practice to change names that were undesirable.

Mulla Ali Qaari رحمه الله writes:

(وكانه) اى النبى صلى الله عليه وسلم (كره الاسم) هذا كلام بعض الرواة
اى انه عليه السلام يستقبح ان يسمى عقيقه لئلا يظن انها مشتقة من
العقوق واحب ان يسمى باحسن منه من ذبيحة او نسيكة على دابه فى تغير
الاسلام البقيح الى ما هو احسن منه كذا فى النهايه قال توربشتى۔ هوا
كلام غير سديد لان النبى صلى الله عليه وسلم ذكر العقيقة فى عدة احاديث
وكان يكره الاسم لعدل عنه بغيره ومن عادته تغير الاسم اذا كرهه۔

(مرقاه شرح مشکوۃ ص ۱۵۹ ج ۸)

اور یہ علامہ زرقانی بھی لکھتے ہیں۔

Allaama Zurqqani رحمه الله has also stated:

وقال ابن عبدالبرّ وفيه كراهة ما يقبح معناه من الاسماء۔ وكان صلى الله
عليه وسلم يحب الاسم الحسن وكان الواجب بظاهر الحديث ان يقال
للذبيحه المولود نسيكة ولا يقال عقيقه لكنى لا اعلم احدا من العلماء مال
الى ذلك ولا قال به واظنهم تركوا العمل به لما صح عندهم فى غيره من
الاحاديث من لفظ العقيقة انتهى۔

(زرقانی شرح الموطا ص ۲۱۷ ج ۳)

The Philosophy of Aqeeqah

A common factor linking almost all nations and people is that they regard the birth of a child as a great blessing and an occasion of joy. It is the nature of man to express his joy by carrying out some act of worship. It is for this reason that even during the Period of Ignorance, the Arabs practised Aqeeqah. A narration of Bayhaqi reported from Hadhrat Abu Hurayrah τ also states that the practice of Aqeeqah was also prevalent amongst the Jews. Rasulullaah ρ mentioned[1]:

ان الیهود تعق عن الغلام ولا تعق عن الجاریه فعقوا عن الغلام شاتین
وعن الجاریة شاة۔

In Islaam, the birth of a child is certainly a gift from Allaah, regardless of whether the child is a boy or a girl. Therefore, in the commentary of verse 49 of Surah Shura, Allaama Ismaa'eel Haqqi Aafandi رحمه الله states[2]:

فالاولاد ذكورا و اناثا من مواهب الله وعطاياه لذا سن لمن يبشر
بالمولود انه يستبشر به ويراه نعمة انعم الله بها عليه

Because the birth of a child is a tremendous bounty from Allaah, an animal is sacrificed seven days after the birth as a token of appreciation. This is done so that the child should be protected from calamities in his/her life. Mullaa Ali Qaari رحمه الله states:

والنعمته انما تتم على المنعم عليه بقيامه بالشكر' وظيفة الشكر فی هذا
النعمه ما سنه نبيه صلى الله عليه وسلم و هو ان يعق عن المولود شكرا " الله
تعالی وطلبا لسلامه المولود ه

(مرقاة شرح مشكوة ج ۸ ص ۱۵۷ مطبوعه ملتان)

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[1] Kanzul Ummaal (Vol.8 Pg.272).
[2] Tafseer Ruhul Bayaan, Pg. 343

A very subtle benefit of Aqeeqah is that it is an admission from the father that the child is his and that he has no doubts about his wife's chastity. This in itself shuts the door to many problems. Hakeemul Islaam Hadhrat Moulana Shah Wali-Ullaah Muhaddith Dehlawi رحمہ اللہ explains this philosophy when he says:

فمن تلک المصالح التلطف باشاعة نسب الولد اذ لا بد من اشاعته لئلا یقال فیه ما لا یحبه۔ ولا یحسن ان یدور فی السکک فینادی انه ولد لی ولد فتعین التلطف بمثل ذلک۔ ومنها اتباع داعیة السخاوة وعصیان داعیة الشح۔ ومنها ان النصاری کان اذا ولد لهم ولد صبغوه بماء اصفر یسمونه المعمودیه۔ وکانوا یقولون یصیر الولد به نصرانیا " وفی مشاکلة هذا الاسم نزل قوله تعالی صبغة اللّٰه ومن احسن من اللّٰه صبغة ۔ فاستحب ان للحنیفین فعل بازاء فعلهم ذلک یشعر بکون الولد حنیفا تابعا لملة ابراهیم واسماعیل علیهما السلام۔ واشهر الافعال المختصة بهما المتوارثة فی ذریتهما ما وقع له علیه السلام من الاجماع علی ذبح ولده ثم نعمة اللّٰه علیه ان فداه بذبح عظیم واشهر شرائعهما الحج الذی فیه الحلق والذبح فیکون التشبه بهما فی هذا تنویها " بالملة الحنیفیة ونداء " ان الولد قد فعل به ما یکون من اعمال هذه الامة۔ ومنها ان هذا الفعل فی بدء ولادته یخیل الیه انه بذل ولده فی سبیل اللّٰه کما فعل ابراهیم علیه السلام۔ وفی ذلک تحریک سلسلة الاحسان والانقیاد کما ذکرنا فی السعی بین الصفا والمروة۔

(حجۃ اللہ البالغہ ج ۲)

TRANSLATION: Amongst the benefits of Aqeeqah is that the lineage of the child is made public in a pleasant manner…which is better than the father walking through the streets announcing that the child is his. This is therefore an excellent manner of making the birth public. The act of Aqeeqah also exudes generosity and shuns the trait of miserliness. Another of the philosophies behind the Aqeeqah is (to oppose) that custom of the Christians where they anoint the baby with coloured water in a christening ceremony by which they believe that the child has become a Christian. It is with reference to this 'colouring' that Allaah says: صِبْغَةَ اللّـهِ وَمَـنْ أَحْسَنُ مِنَ اللّـه [(Say, O Mu'mineen) **"Allaah has coloured** (purified) **us** (with the natural Deen of Islaam with which every child is born)**. Who** (none) **can colour** (purify) **better than Allaah? And we are His worshippers."**[1]]

It is therefore preferable that Muslims also do something in opposition to the Christians to make it evident hat their children are born as Muslims and upon the creed of Hadhrat Ibraheem υ and Hadhrat Ismaa'eel υ. The most famous act that is identified with Hadhrat Ibraheem υ and which his progeny are encouraged to imitate is that of sacrificing his son Hadhrat Ismaa'eel υ . Allaah had blessed them by substituting the slaughtering of a son by that of an animal. Another of the outstanding acts associated with Hadhrat Ibraheem υ is that of the Hajj, in which shaving of the head and sacrificing an animal are central. Therefore, emulating Hadhrat Ibraheem υ and Hadhrat Ismaa'eel υ in these acts when carrying them out at the birth of a child incorporate following the creed of Hadhrat Ibraheem υ.

In addition to this, by carrying out the act of Aqeeqah at the very beginning of the child's life gives the impression that the father is willing to hand his child over to the service of Allaah just as Hadhrat Ibraheem υ had done. This encourages obedience to Allaah and carrying out good deeds, as we have explained in the discussion of the Sa'ee between Safa and Marwa.

[1] Surah Baqarah, verse 138.

The Importance of Aqeeqah According to the Ahadeeth

عن سلمان بن عامر الضبى قال سمعت رسول اللّٰه صلى اللّٰه عليه وسلم يقول
مع الغلام عقيقة فاهريقوا عنه دما واميطوا عنه الاذى

Hadhrat Salmaan bin Aamir Dhabi τ says that he heard Rasulullaah ρ say, "There is an Aqeeqah with every son. You should therefore slaughter an animal on his behalf and remove his hair." (Bukhaari)

EXPLANATION: The above Hadith highlights two factors. The first is that an animal is sacrificed for the child. This is done as a token of gratitude and to protect the child against calamities. The second factor is that the child's hair should be shaved off. These two acts are linked in that they are both hallmarks of the creed of Hadhrat Ibraheem υ, as they are both featured amongst the acts of Hajj. The indication is therefore that we belong to the creed of Hadhrat Ibraheem υ, as d our children.

NOTE: Because this Hadith states that Aqeeqah is to be done with every 'son', Hadhrat Hasan رحمه الله and Hadhrat Qataadah رحمه الله are of the opinion that Aqeeqah should be done only when a boy is born. However, the majority of Ulema state that Aqeeqah should be carried out both when a boy or a girl is born because the Ahadeeth mention that Aqeeqah should be done when a girl is born as well. In this regard, Allaama Ayni رحمه الله states:

قوله مع الغلام عقيقه ولا يعق عن الجاريه وعند الجمهور يعق عنهما لورود
الاحاديث الكثيره بذكر الجاريه ايضا على ما يجئى الان

(عمدة القارى ص ۷۱۵)

The Importance and Benefits of Aqeeqah

عن الحسن عن سمرة بن جندب τ ان رسول الله ρ قال كل غلام رهينة بعقيقة تذبح عنه يوم سابع فيحلق و يسمّي

Hadhrat Samura bin Jundub τ narrates that Rasulullaah ρ said, "Every child is a pawn placed as security against the Aqeeqah which is to be performed for it on the seventh day when the name is kept and the hair shaved off."[1]

Commentators of the Ahadeeth have cited the following interpretations of a child being placed as a pawn:

1. The Aqeeqah plays a vital role in ensuring that the child is safeguarded from calamities and accidents. The great Muhaddith Mulla Ali Qaari رحمه الله states:

   يعني انه محبوس سلامته عن الآفات بها - او انه كالشي المرهون لا يتم الاستمتاع به دون ان يقابل بها لانه نعمته من الله على والديه فلا بدلهما من الشكر عليه -

   (مرقات ص ١٥٦ ج ٨ مطبوعه ملتان)

   TRANSLATION: The safety of the child from calamities is held in suspense (until the Aqeeqah is done). It may also mean that just like a pawned item, complete benefit cannot be derived until it is paid for (full benefit cannot be derived from a child until the Aqeeqah is done) because a child is a blessing to the parents from Allaah and they have to express their gratitude (by carrying out the Aqeeqah).

[1] *Tirmidhi* Vol.1 Pg. 278, as well as Abu Dawood and Nasa'ee.

2. Another interpretation is that if a child dies without the Aqeeqah being done, the parents will not be able to intercede on behalf of the parents. This interpretation is regarded as most correct by many Ulema. Mulla Ali Qaari رحمه الله states:

واجودها ما قاله احمد بن حنبلؒ معناه انه اذا مات طفلا ولم يعق عنه لم يشفع في والديه

(مرقات ص ۱۵۶ ج ۸)

TRANSLATION: The best interpretation is that which Imaam Ahmad bin Hanbal رحمه الله forwarded, that a child will not intercede in behalf of his parents if he dies without them making the Aqeeqah.

Allaama Ayni رحمه الله states:

وقال الخطابي تكلم الناس في هذا واجود ما قيل فيه ما ذهب اليه احمد بن حنبل رحمه الله قال هذا في الشفاعة يريد انه اذا لم يعق عنه فمات طفلا " لم يشفع في والديه

(عمدة القاری ص ۲۱۶)

Just as the health and welfare of the child in this world depends on the Aqeeqah, the intercession of the child on behalf of the parents on the Day of Qiyaamah also depends on the Aqeeqah. Both the child and the parents are therefore dependent on the Aqeeqah.

3. A parent should ensure that he carries out the Aqeeqah if he wishes his child to be obedient and not to be insolent and disrespectful. Explaining the beginning part of this Hadith, Mulla Ali Qaari رحمه الله states:

ای لمن شاء ان لا یکون ولده عاقا " له فی کبره فلیذبح عنه عقیقة فی صغره لان عقوق الوالد یورث عقوق الولد ولا یحب الله العقوق۔

(مرقات ص ۱۵۹ ج ۸)

TRANSLATION: Those who do not want their children to be disobedient when the child grows up should ensure that they carry out the Aqeeqah when the child is little because the failure of the father to carry out the Aqeeqah results in the children becoming disobedient.

4. Allaama Ibnul Qayyim Jowzi رحمه الله states that the proper upbringing of the child and the development of good character in the child depends on making the Aqeeqah. He writes:

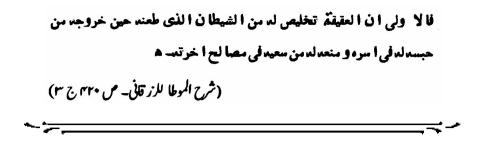
وظاهر الحدیث انه رهینة فی نفسه ممنوع محبوس عن خیر یراد به ولا یلزم من ذلک ان یعاقب علی ذلک فی الآخرة و حبس بترک ابویه العقیقة عما ینال له من عق عنه ابواه۔ وقد یفوت الولد خیر بسبب تفریط الابوین و ان لم یکن من کسبه۔

(زاد المعاد ص ۲ ج ۲)

The Hadith makes it apparent that a child for whom Aqeeqah is not carried out is restrained, meaning that he will be unable to produce what is expected from him. Of course, this does not mean that parents will be punishable for not carrying out the Aqeeqah it only means that the child will not be able to reach his/her full potential. Because of the negligence of the parents, the child is deprived of great good.

5. Through the Aqeeqah, the child is safeguarded against the evil influence of Shaytaan. Allaama Zurqaani رحمه الله says:

قالا ولى ان العقيقة تخليص له من الشيطان الذى طعنه حين خروجه من
حبسه له فى اسره و منعه له من سعيه فى مصالح اخرته ه

(شرح الموطا للزرقانى ـ ص ٣٢٠ ج ٣)

How many Animals Need to be Slaughtered for Aqeeqah?

عن ام كرز رضي الله عنها قالت سمعت رسول الله ρ يقول عن الغلام شاتان و عن الجارية شاة ولا يضركم ذكراناً او اناثاً

Hadhrat Ummu Karz رضي الله عنها says that she heard Rasulullaah ρ say, "Two goats are slaughtered for a boy and one for a girl and it is irrelevant whether the animal is male or female."[1]

It is Preferable to Slaughter Two Animals for a Boy

In the above Hadith, Rasulullaah ρ has mentioned that two animals be slaughtered when a boy is born (if the parents can afford it) because of the natural differences between male and female (as is noted in the laws of inheritance, giving testimony, etc). Scholars mention that although it is Mustahab (preferable) for two animals to be slaughtered for a boy, slaughtering just one is also permissible. Mulla Ali Qaari رحمه الله states:

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[1] *Nasa'ee* Vol.2 Pg. 167 and Tirmidhi.

اما الالغلام فيحتمل ان يكون اقل الندب فی حقه عقيقة واحدة و كماله اثنتان۔

(مرقات ص ۱۵۸ ج ۸)

TRANSLATION: The minimum requirement for a boy is one animal while the most excellent practice will be to slaughter two.

Shah Wali-Ullaah Dehlawi رحمه الله states:

اقول يستحب لمن وجد الشاتين ان تنسک بهما عن الغلام وذلک لما عندهم ان الذكر انفع لهم من الاناث فناسب زيادة الشكر و زيادة التنويه به۔

(حجۃ اللہ البالغہ ج ۲)

TRANSLATION: I maintain that if a person is capable of slaughtering two goats, he should do so when a son is born to him because of the popular belief that boys are more beneficial to the parents than girls. It is therefore more suitable that his gratitude and appreciation be more.

NOTE: The Shari'ah does not stipulate that a male animal be slaughtered for a boy and female animal for a girl. A person should slaughter whatever animal is most convenient, be it male or female. The Arabic word "Shaat" refers to both male and female goats. Mulla Ali Qaari رحمه الله says:

وفيه اشعار بان نحو شاة و نملته وحمامته مشترک بين الذكور والاناث و انما يتبين المراد بانتهاض القرينه۔

(مرقات ص ۱۵۶ ج ۸)

TRANSLATION: Words such as "Shaat", "Namla" (ant) and "Hamaamah" (dove) are used for both males and females and one gender can be stipulated only by some defining factor.

عن عمرو بن شعيب عن ابيه عن جده τ قال قال رسول الله ρ من احب ان ينسك عن ولده فالينسك عنه عن الغلام شاتين وعن الجارية شاة

Hadhrat Amr bin Shu'ayb narrates from his father who narrates from his father that Rasulullaah ρ once said, "Whoever has a child and wishes to sacrifice an animal should sacrifice two goats for a son and one goat for a daughter."[1]

EXPLANATION: This Hadith makes it clear that Aqeeqah is Mustahab and not of a compulsory nature like the Faraa'idh and Waajibaat. This is the conclusion of the Hanafi Ulema. Commenting on this Hadith, Allaama Ayni رحمه الله states that it clearly denotes that Aqeeqah is Mustahab. Allaam Zurqaani رحمه الله says:

لانہ صلی اللہ علیہ وسلم وکل الی محبتہ الاب فلو جبت ما قال ذالک (ولکنہا یستحب العمل بہا) اتباعاً للفعل النبوی وحملاً لامرہ علی الاستحباب۔ لان القاعدۃ ان الامر اذا لم یصلح حملہ علی الوجوب حمل علی الندب۔

(شرح الموطا للزرقانی۔ ص ۴۲۰ ج ۳)

According to Imaam Maalik رحمه الله, Imaam Shaafi'ee رحمه الله , Allaama Abu Thowr رحمه الله and Is'haaq رحمه الله, Aqeeqah is a Sunnah practice and it is improper for a person with the means to omit it. Imaam Ahmad رحمه الله states that in his opinion Aqeeqah is better than giving an equivalent amount charity to the poor. However, those Ulema who insist on sticking to the literal meaning maintain that Aqeeqah is Waajib. Allaama Ayni رحمه الله states:

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[1] *Nasa'ee* Vol.2 Pg. 167 and Abu Dawood.

ويفهم من روا النفسی ایضا" ان العقیقہ غیر واجبہ وقد اختلف العلماء

فی ھذا الفضل ای عقیفہ فقال مالک والشافعی واحمد وابو ثور واسحاق

سنۃ لا ینبغی ترکھا لمن قدر علیہ۔ وقال احمد ھی احب الی من التصدق

بثمنھا علی المساکین۔ وروی عن الحسن واھل الظاہر انھا واجبۃ

(عمدۃ القاری ص ۱۱۰، ج ۹)

Some people have levelled an allegation against Imaamul A'immah Imaam Abu Haneefah رحمہ اللہ saying that according to him Aqeeqah is a Bid'ah. This allegation is baseless. In this regard, Allaama Ayni رحمہ اللہ says:

والذی نقل عنہ انھا بدعۃ عند ابی حنیفہ قلت ھذا افتراء فلا یجوز نسبتہ

الی ابی حنیفہ وحاشا ان یقول مثل ھذا وانما قال لیست بسنۃ فمرادہ ما

لیست بسنہ ثابۃ واما لیست بسنۃ موکدۃ۔

(عمدۃ القاری ص ۱۱۷ ج ۹)

TRANSLATION: To those who allege that Aqeeqah is a Bid'ah according to Imaam Abu Haneefah رحمہ اللہ , I say that it is a lie. It is not at all permissible to relate the statement to Imaam Abu Haneefah رحمہ اللہ . He is free of saying any such thing. All that he said was that Aqeeqah is not Sunnah, meaning that it is not proven to be a Sunnah i.e. a Sunnah Mu'akkadah (but Mustahab).

It is quite obvious that Imaam Abu Haneefah رحمہ اللہ would not classify Aqeeqah as a Bid'ah since it has been established by so many Ahadeeth. There is certainly some gross mistake.

Some books mention that Aqeeqah has been abrogated by Qurbaani. This only means that its compulsory nature has been abrogated. Refer to the book "At Ta'leequl Mumajjad ala Mu'atta Muhammad" (Pgs.286-288) for details.

عن ابن عباس τ ان رسول الله ρ عقّ عن الحسن و الحسين كبشاً كبشاً

Hadhrat Abdullaah bin Abbaas τ states that Rasulullaah ρ slaughtered a sheep on behalf of Hadhrat Hasan τ and a sheep on behalf of Hadhrat Husayn τ (his two grandsons)."[1]

EXPLANATION: Rasulullaah ρ probably slaughtered only one sheep on behalf of each of his grandsons because that was all he could afford then. This therefore applies to people in the same situation. Nevertheless, the narrations stating that one animal should be slaughtered for a girl and two for a boy are best practiced upon. Allaama Ibnul Qayyim رحمه الله states:

والجواب ان احاديث الشاتين عن الذكر و الشاة عن الانثى اولى ان يوخذ بها لوجوه۔

احدها ۔ كثرتها ۔ فان رواتها عائشة و عبدالله بن عمر و ام كرز الكعبية واسماء۔

۔ الثاني۔ انها من فعل النبي صلى الله عليه وسلم و احاديث الشاتين من قوله و قوله عام وفعله يحتمل الاختصاص۔

۔ الثالث۔ انها متضمنة لزيادة فكان الاخذ بها اولى۔

۔ الرابع۔ ان الفعل يدل على الجواز و القول على الاستحباب فالاخذ بهما ممكن فلا وجه لتعطيل احدهما ۔

[1] Abu Dawood.

- الخامس۔ ان قصتہ الحسنؓ والحسینؓ کانت عام احدوا لعام الذی بعدہ وام کرزؓ سمعت من النبی صلی اللہ علیہ وسلم ما روتہ عام الحدیبیہ سنتہ ست بعد الذبح عن الحسن و الحسین قالہ النسائی فی الکبیر۔

- السادس۔ أن قصتہ الحسن والحسین یحتمل ان یراد بھا بیان جنس المذبوح وانہ من الکباش لا تخصیصہ بالواحد۔

- السابع۔ ان اللہ سبحانہ فضل الذکر علی الانثی کما قال ولیس الذکر کالانثی۔ ومقتضی ھذا التفاضل ترجیحہ علیھا فی الاحکام و قد جاءت الشریعۃ بھذا التفضیل فی جعل الذکر کالانثیین فی الشھادۃ والمیراث والدیتہ فکذلک الحقت العقیقۃ بھذہ الاحکام۔

- الثامن۔ ان العقیقۃ تشبہ العتق عن المولود فانہ رھین بعقیقۃ فالعقیقۃ تفکہ و تعتقہ وکان الاولی ان یعق عن الغلام بشاتین و عن الانثی بشاۃ کما ان عتق الانیثین یقوم مقام عتق الذکر کما فی جامع الترمذی و غیرہ عن ابی اماتہ قال قال رسول اللہ صلی اللہ علیہ وسلم ایما امری مسلم اعتق امرا " مسلما " کان فکاکہ من النار یجزی کل عضو منہ۔

و ایما امری مسلم اعتق امرا تین مسلمتین کانتا فکاکہ من النار یجزی کل عضو منھما عضوا منہ۔ و ایما امراۃ مسلمتہ اعتقت امراۃ مسلمتہ کانت فکاکھا من النار یجزی کل عضو منھا عضوا منھا۔ وھذا حدیث صحیح۔

(زادالمعاد ص ۴۰۳۔ ج ۲ مطبوعہ مصر)

TRANSLATION: "The narration stating that two animals are to be slaughtered for a boy and one for girl is adopted for several reasons. (These are:)

FIRST: There are many narrators of the Hadith. They include Hadhrat Aa'isha رضي الله عنها , Hadhrat Abdullaah bin Umar τ, Hadhrat Ummu Karz رضي الله عنها and Hadhrat Asmaa رضي الله عنها .

SECOND: While Rasulullaah ρ slaughtered one animal, his statement clearly says that two should be slaughtered. His statement therefore constitutes the general rule whereas his practice denotes a special and rare situation.

THIRD: Because this narration includes the greater number, it will be best to practice on it (since it will include the narration of slaughtering one as well).

FOURTH: The action of Rasulullaah ρ denotes permissibility while the action denotes what is best (Mustahab). Since it is possible to combine the two in practice, there is no need to discard either.

FIFTH: The narration about Hadhrat Hasan τ and Hadhrat Husayn τ tells of incidents that occurred in the year the Battle of Uhud was fought (2 A.H.) and the year thereafter whereas Hadhrat Ummu Karz رضي الله عنها heard Rasulullaah ρ's statement (of one for a girl and two for a boy) during the year in which the treaty of Hudaybiyyah was concluded, which was in 6 A.H., clearly after the Aqeeqah. This has been reported by Nasa'ee in his *Kubra*.

SIXTH: It is possible that in the narration mentioning the Aqeeqah of Hadhrat Hasan τ and Hadhrat Husayn τ, the word denoting the slaughtered animal refers to a species and not a single animal (it is therefore possible that two animals were slaughtered for each of the boys).

SEVENTH: Allaah has granted males superiority over females, as Allaah mentions in the Qur'aan: وليس الذكر كالأنثى "The male is unlike the

female". This implies that the injunctions pertaining to males and females should also be different, as is apparent from the laws of inheritance, blood money and those of testimony. This will therefore apply to Aqeeqah as well.

EIGHTH: Aqeeqah is likened to freedom of a slave because a child is released from being a pawn when the Aqeeqah takes place. It is therefore best to slaughter two animals for a boy and one for a girl just as the freedom of two female slaves equals the freedom of one male slave. Tirmidhi and others narrate a Hadith from Hadhrat Abu Umaamah τ that Rasulullaah ρ said, "When a Muslim man frees a Muslim male slave, this will serve as emancipation for him from Jahannam and every part of the slave's body will be sufficient for (freeing) every (corresponding) part of his body (from Jahannam). When a Muslim man frees two Muslim female slaves, this will serve as emancipation for him from Jahannam and every part of their bodies will be sufficient for every part of his body. When a Muslim lady frees a Muslim female slave, this will serve as emancipation for her from Jahannam and every part of the slave's body will be sufficient for every part of the lady's body." The Hadith is authentic.[1]

Sheikh Abdul Haqq Muhaddith Dehlawi رحمه الله says:

ولکن حدیث عن الغلام شاتان اقوی واصح است زیرا کہ جماعتے از اکابر
صحابہؓ آں را روایت میکنند ترمذی گفتہ دریں باب حدیث از علیؓ وعائشہؓ وام
کرزؓ و بریدہؓ و ابی ہریرہؓ وعبداللہ بن عمرؓ و انسؓ و سلمان بن عامرؓ و ابن
عباسؓ آمدہ و حدیث ام کرز حسن صحیح است و عمل بریں است نزد اہل
علم۔

TRANSLATION: However, the Hadith reporting that two animals be slaughtered on behalf of a boy and one for a girl is stronger and more authentic because a large group of senior Sahabah ψ have narrated it.

[1] Zaadul Ma'aad (Vol.2 Pg.3,4).

From the narration of Hadhrat Ali τ, Hadhrat Aa'isha رضي الله عنها, Hadhrat Ummu Karz رضي الله عنها, Hadhrat Buraydah τ, Hadhrat Abu Hurayrah τ, Hadhrat Abdullaah bin Umar τ, Hadhrat Anas τ, Hadhrat Salmaan bin Aamir τ and Hadhrat Abdullaah bin Abbaas τ, the narration of Hadhrat Ummu Karz رضي الله عنها holds the status of *Hasan Saheeh*. It is according to this that people should practise according to the scholars.

In another extract, he states: "Another reason for adopting the Hadith requiring the slaughtering of two animals for a boy is that the statement of Rasulullaah ρ is stronger and more complete that his action. This is so because the action of Rasulullaah ρ could very well be specific to him, whereas this cannot be the case with his statement. Another thing is that an action denotes permissibility because an act of Rasulullaah ρ can neither be Haraam nor Makrooh. On the other hand, the statement of Rasulullaah ρ denotes that the act is Mustahab because this is the least that can be implied by a command or request from Rasulullaah ρ, who informed us about the demands of the Shari'ah.

Ameer Muhammad bin Ismaa'eel Yemeni San'aani رحمه الله has the following to say in his commentary of "*Bulooghul Maraam*":

دل الحديث على انه يعق عن الغلام بضعف ما يعق عن الجاريته واليه ذهب الشافعى وابوثور واحمد وداؤد لهذا الحديث وذهبت الها دويه ومالک الى انه يجزى عن الذكر والانثى وهذا قوله والقول اقوى وبانه بجوازه صلى الله عليه وسلم ذبح عن الذكر كبشا لبيان انه يجزى وذبح الاثنين مستحب

(سبل السلام شرح بلوغ المرام۔ ص ۹۸۔ ج ۴)

SUMMARY OF THE DISCUSSION: This research proves that it is best to slaughter two animals when a boy is born. It is however also permissible to slaughter one animal.

On Which Day is Aqeeqah Preferable

One of the Ahadeeth quoted earlier state: تذبح عنه يوم سابع فيحلق و يسمّي meaning that the Aqeeqah is to be done on the seventh day when the name is kept and the hair shaved off as well.[1]

The Reason Behind Specifying The Seventh Day

The Aqeeqah has not been instructed on the first day because the family is still preoccupied with the birth. In addition to this, removing the hair so early would be detrimental to the child's health. After a week, the mother has sufficiently recovered from the trauma of birth and the baby has also sufficiently adapted to the world. There is therefore no danger if the hair is removed. And Allaah knows best.

Hadhrat Shah Muhadith Dehlawi رحمه الله states:

اما تخصيص اليوم السابع فلانه لا بد من فصل بين الولادة والعقيقة فان اهله مشغولون باصلاح الوالدة والولد في اول الامر فلا يكلفون حينئذ بما يضاعف شغلهم ايضا " فرب انسان لا يجد شاة الا بسعي فلو سن كونها في اول يوم لضاق الامر والسبعة ايام مدة صالحة للفصل المعتد به غير الكثير

(حجتہ اللہ البالغہ جلد دوم)

TRANSLATION: Specifying the seventh day is to allow a vital break between the birth and Aqeeqah. Because the household is preoccupied with caring for the mother and the child, they are not further charged with another duty. There are also many people who have to go to great lengths to find a suitable animal. Prescribing the Aqeeqah for the first

[1] *Tirmidhi* Vol.1 Pg. 278, as well as Abu Dawood and Nasa'ee.

day would make matter extremely difficult for them. A seven day break is sufficient and not excessive."

What if the Aqeeqah could not be done on the seventh day?

Although the Ahadeeth clearly state that the Aqeeqah should be done on the seventh day, if this is not possible, it may be done on the fourteenth or the twenty-first day. Thereafter, it can be done on the subsequent days that are multiples of seven. In this regard, Hadhrat Buraydah τ narrates the following from Rasulullaah ρ:

العقيقة بسبع او اربع عشرة او احدى و عشرين۔

(سبل السلام۔ ص ۹۷ ج ۳ بحواله بیہقی۔ وجمع الفوائد ج ۱ ص۔ ۲۱۱)

Allaama Badrud Deen Ayni رحمه الله states:

والعمل هذا عند اهل العلم يستحبون ان يذبح عن الغلام العقيقه يوم السابع فان لم يتهيا يوم السابع فيوم الرابع عشر فان لم يتهيا عق عنه يوم احدى و عشرين۔

(عمدة القارى شرح بخارى ص ۱۶۷ ج ۲ مطبوعه مصر)

TRANSLATION: "Carrying out the Aqeeqah on the seventh day is the practice of the scholars and is Mustahab. If it not possible on the seventh day, it may be done on the fourteenth day. If this is also not possible, then the Aqeeqah may be done on the twenty-first day."

Thereafter, Aqeeqah can be done on the subsequent days that are multiples of seven. This is Mustahab. If a person cannot remember the date of the child's birth, all one needs to do is remember the day on which the child was born. Thereafter, take note of the day before, which will be the multiple of seven. For example, if the child was born on a Friday, the Aqeeqah may be done every Thursday afterwards.

Did Rasulullaah ρ really Carry out Aqeeqah for himself?

A Hadith states that after announcing his prophethood, Rasulullaah ρ did the Aqeeqah for himself. The narration of Hadhrat Anas τ states:

ان النبی صلی اللّٰہ علیہ وسلم عق عن نفسہ بعد ما بعث نبیا ۔

(جمع الفوائد ص ۱۱۷ ج ۱ بحوالہ بزاز واوسط)

TRANSLATION: "Rasulullaah ρ did Aqeeqah for himself after he was sent to announce his prophethood."

Ibn Qayyim Jowzi رحمہ اللہ says:

و ذکر ابن ایمن من حدیث انس رضی اللّٰہ عنہ ان النبی صلی اللّٰہ علیہ وسلم عق عن نفسہ بعد ان جاتہ النبوۃ قال ابوداؤد فی مسائلہ سمعت احمد حدثھم بحدیث الھیثم بن جمیل عن عبداللہ بن المثنی عن ثمامۃ عن انسؓ ان النبی صلی اللہ علیہ وسلم عق عن نفسہ فقال احمد عبداللہ بن محرز عن قتادۃ عن انس ان النبی صلی اللّٰہ علیہ وسلم عق عن نفسہ۔ قال احمد ھذا منکر و ضعف عبداللّٰہ بن محرز ۔

(زاد المعاد ص ۳۴ ج ۲ مطبوعہ مصر)

TRANSLATION: "Ibn Ayman reports from Hadhrat Anas τ that Rasulullaah ρ did Aqeeqah for himself after he was sent to announce his prophethood. In his *Masaa'il*, Abu Dawood has stated that he heard Imaam Ahmad narrating that he heard from Haytham bin Jameel, who in turn narrates from Abdullaah bin Muthanna, Thumaama and Hadhrat Anas τ that Rasulullaah ρ did Aqeeqah for himself. Imaam Ahmad also said, "Abdullaah bin Muharraz narrates from Qataadah who narrates

from Hadhrat Anas τ that Rasulullaah ρ did Aqeeqah for himself." Imaam Ahmad did however comment that the narration is *Munkar* and that Abdullaah bin Muharraz is an unreliable narrator.

Ameer Muhammad bin Ismaa'eel Yemeni San'aani رحمہ اللہ says:

فقد اخرج البیھقی من حدیث انسؓ ان النبی صلی اللہ علیہ وسلم عق عن نفسہ
بعد البعثۃ ولکنہ قال منکر وقال النودوی حدیث باطل۔

(سبل السلام شرح بلوغ المرام۔ ص ۹۷ ج ۴)

TRANSLATION: Bayhaqi quotes the narration of Hadhrat Anas τ stating that Rasulullaah ρ did his own Aqeeqah after he had already announced his prophethood. However, Bayhaqi states that the narration is *Munkar* whereas Nawawi is of the opinion that it is *Baatil*.

Sheikh Abdul Haqq Dehlawi رحمہ اللہ says, "The chain of narrators of this narration is unreliable and this is not at all surprising."[1]

[1] Commentary of Safarus Sa'aadah.

Shaving the Hair on the Seventh Day and Giving the Equivalent of its Weight as Sadaqah

عن علي بن ابي طالب τ قال عق رسول الله ρ عن الحسن بشاة و قال يا فاطمة احلقي رأسه و تصدقي بزنة شعره فضة فوزنته فكان وزنه درهماً او بعض درهم

Hadhrat Ali bin Abi Taalib τ narrates that Rasulullaah ρ performed Aqeeqah on behalf of Hadhrat Hasan τ and then instructed his daughter saying, "O Faatima! Shave his hair and give silver equivalent to the weight of the hair in charity." Hadhrat Ali τ states further that when they weighed the hair it, it equalled the weight of a Dirham or just less than a Dirham.[1]

EXPLANATION: This Hadith ells us that in addition to slaughtering an animal, the weight of the child's hair should also be given as Sadaqah. This is also Mustahab. It is evident from the Hadith that Hadhrat Ali τ and Hadhrat Faatima رضي الله عنها did not have the means for the Aqeeqah at the time. Rasulullaah ρ therefore did it on their behalf and told the parents to give the Sadaqah so that they also express gratitude in this way. Allaama Zurqaani[2] says that giving Sadaqah equivalent to the weight of the hair either in gold or silver is very commendable.

قال الباجی التصدق بزنته الشعر حسن و عمل بر۔ وقال الزرقانی" نیندب
ذلک و بالذهب ایضا "۔

Commenting on the reason for giving Sadaqah equal to the weight of the child's hair, Hakeemul Islaam Hadhrat Shah Wali-Ullaah رحمه الله says:

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[1] *Mishkaat*, from *Tirmidhi* Vol.1 Pg. 267.
[2] Commentary of Mu'atta (Vol.3 Pg.418).

اقول السبب فی التصدق بالفضتہ ان الولد لما انتقل من الجنینۃ الی الطفلیہ کان ذلک نعمتہ یجب شکرها و احسن ما یقع بہ الشکر ما یوذن انہ عوضہ فلما کان شعر الجنین بقیہ انشاۃ الجنینیہ و ازالتہ امارۃ الاستقلال بانشاۃ الطفلیتہ وجب ان یومر بوزن الشعر فضتہ۔ واما تخصیص الفضہ فلان الذهب اعلی ولا یجدہ الا غنی و سائر المتاع لیس لہ بال بزنتہ شعر المولود۔

(حجتہ اللہ البالغہ جلد دوم)

TRANSLATION: In my opinion, the reason for giving the hair's weight in silver as Sadaqah is to express gratitude to Allaah for the great favour of bringing the child from the stage of a new-born to an infant. The best form of expressing gratitude is with something that is known to be in exchange for the favour. Therefore, since the newborn's hair is a sign of being a newborn and shaving off of the hair is a sign of the newborn entering into infancy, the weight of the hair in silver is a fitting expression of gratitude. Silver has been prescribed because gold is expensive and if prescribed, only the rich would have been able to afford it. Other things would not have been suitable because it would not be possible to weigh them for the hair.

Shaving The Hair When Aqeeqah Was Not Possible On The Seventh Day

If a person could not find an animal on the seventh day or was unable to slaughter one for any other reason, the child's hair should still be shaved off and the Sadaqah given even though the Aqeeqah will be done later. A narration from Hadhrat Anas τ states:

ان النبی صلی اللہ علیہ وسلمؑ امر براس الحسن والحسین یوم سابعهما فحلق ثمہ وزنہ فضۃ ولم یجد ذبحا۔

(جمع الفوائد ص ۲۱۰۔ ج ۱)

TRANSLATION: Rasulullaah ρ instructed that the hair of Hadhrat Hasan τ and Hadhrat Husayn τ be shaved off on the seventh day. Their hair was therefore shaved off and weighed to give the equivalent silver as Sadaqah. (On that day) Rasulullaah ρ could not find an animal to slaughter (and therefore postponed the Aqeeqah).

MAS'ALA: The customary practice is unfounded that requires the animal to be slaughtered at exactly the same time when the blade is put on the child's head to shave the hair. In his commentary of Tirmidhi, Hadhrat Moulana Gangohi رحمه الله states:

(يذبح عنه و يحلق راسه) الواو لا يتقضى الا تصال و الجمع فى ان واحد فما
اشتهر من اتحاد وقتى امرا السكين على الذبيحه والموسى على راس
المولود لغو۔

(الكوكب الدرى۔ ص ۴۱۱ ج۔ ۱)

MAS'ALA: Girls are also included in the instruction to shave off the hair. The hair they grew while in the womb should also be removed on the seventh day.

Ameer Muhammad bin Ismaa'eel Yemeni San'aani رحمه الله has the following to say in his commentary of "*Bulooghul Maraam*":

(و يحلق) دليل على شرعيته حلق راس المولود يوم سابعه و ظاهر عام لحلق
راس الغلام و الجاريه۔ و حكى المازرى كراهه حلق راس الجاريه و عن
بعض الحنابله تحلق لا طلاق الحديث۔

(سبل السلام ص۔ ۹۹ ج۔ ۴)

Allaama Badrud Deen Ayni رحمه الله says:

و يحلق راسه على صيغة المجهول اى يحلق جميع راسه لثبوت النهى عن القزع و حكى الماوردى كراهة حلق راس الجاريه و عن بعض الحنابلة يحلق۔ قلت هذا اولى لان فى حديث سلمان اميطوا عنه الاذى و جملة الاذى شعر راسه الملوث من البطن و بعمومه يتناول الذكر و الانثى۔

(عمدة القاری شرح بخاری۔ ص ۲۱٦۔ ج ۹)

Applying Saffron on the Child's Head

عن بريدة τ قال كنا في الجاهلية اذا ولد لاحدنا غلاماً ذبح شاة و لطخ رأسه بدمها
فلما جاء الاسلام كنا نذبح شاة يوم السابع ونحلق رأسه و نلطخه بزعفران

Hadhrat Buraydah τ says, "When a child was born to any of us during the period of ignorance, we would slaughter a goat and apply the blood to the head of the child. Thereafter, when Islaam came to us, we would slaughter a goat on the seventh day, shave the child's head and apply saffron to the head."[1]

عن عائشةؓ قالت كانوا فی الجاهلیۃ اذا عقوا عن الصبی خضبوا قطنہ بدم
العقیقہ فاذا حلقوا راس الصبی وضعوها علی راسہ فقال النبی صلی اللّٰہ
علیہ وسلم اجعلوا مکان الدم خلوقا ۔

(رواہ ابن حبان فی صحیحہ)

Hadhrat Aa'isha رضي الله عنها narrates that during the Period of Ignorance is was customary that whenever people slaughtered animals on the occasion of child being born, they soaked some cotton wool in the blood of the animal. Thereafter, when the child's hair was removed, the blood was put on the head. (To eradicate this custom) Rasulullaah ρ instructed that instead of blood, *Khalooq* should be put on the head.

NOTE: *Khalooq* is a fragrance prepared with saffron and other ingredients.

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[1] *Abu Dawood*.

The Du'aa for Aqeeqah

The following du'aa should be recited at the time of carrying out the Aqeeqah:

اللهم هذه عقيقه فلان دمها بدمه ولحمها بلحمه و عظمها بعظمه و جلدها بجلده و شعرها بشعره اللهم اجعلها فدا لابن فلان من النار۔

(شرح شرعة الاسلام۔ ص ۴۵۵)

TRANSLATION: O Allaah! This is the Aqeeqah of (take the child's name in place of saying فُلَان). (Accept) Its blood for his blood, its flesh for his flesh, its bones for his bones, its skin for his skin and its hair for his hair. O Allaah! Make this a means of salvation from Jahannam for the son of (again take the child's name in place of saying فُلَان).

Reciting "Allaahu Akbar" When Slaughtering

The following Hadith is reported from Hadhrat Abu Bakr τ:

اذبحوا على اسمه و قولوا بسم الله الله اكبر منك ولك هذه عقيقة فلان۔

(جمع الفوائد ج۔ ا ص)

TRANSLATION: Rasulullaah ρ said, "Slaughter in the name of Allaah and say:

بسم الله الله اكبر منك ولك هذه عقيقة فلان۔

If one does not know this du'aa, it will suffice to just say, "Allaahu Akbar". And Allaah knows best.
(NOTE: Here again, one should take the child's name in place of saying فُلَان).

Some Masaa'il

MAS'ALA 1: It is not permissible to slaughter as Aqeeqah any animal that cannot be slaughtered as Qurbaani (on the occasion of Eidul Adhaa). Besides goat, it is therefore also permissible to slaughter cows, bulls, buffaloes, sheep and camels. Allaama Zurqaani رحمه الله states:

الاجماع على انه لا يجوز فيها الا ميجوز فى الضحايا من الازواج الثمانيه الا من شذ ممن لا يعتد به بخلافه

(شرح موطا للزرقانى ص ۲۱۹۔ ج ۳)

MAS'ALA 2: For the purposes of Aqeeqah it is also permissible to share in large animals as it is done for Qurbaani. It would therefore be permissible for people performing Qurbaani and people performing Aqeeqah to share an animal e.g. a cow or buffalo can be slaughtered with the intention that five parts are for Qurbaani and two are for Aqeeqah. This has been stated by Hadhrat Aarif Billaah Mufti Azeezur Rahmaan رحمه الله says in "*Fataawaa Daarul Uloom Deoband*".

MAS'ALA 3: One cow may be slaughtered for the Aqeeqah of seven children.[1]

MAS'ALA 4: It is also permissible to slaughter an entire cow or camel as Aqeeqah for one child. Tabraani's Mu'jamul Kabeer (Pg.45) contains the following Hadith to confirm this:

قال قال رسول الله صلى الله عليه وسلم من ولد له غلام فليعق عنه من الابل او البقر او الغنم۔

Allaama Ibn Hajar has also stated that according to the majority of scholars, it is permissible to slaughter a cow for a child's Aqeeqah.[2]

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[1] *Fataawaa Daarul Uloom Deoband* (Vol.7 Pg.195).
[2] *Imdaadul Fataawaa* (Vol.3 Pg.543).

MAS'ALA 5: The meat of the Aqeeqah animal falls into the same category as the meat of the Qurbaani animal. It should best be made into three parts, the first for the poor and the remaining two for one's family and friends, who may all enjoy it together. While one may keep all for oneself, this is contrary to the best method. Just as one does with Qurbaani meat, the Aqeeqah meat may also be eaten by the family or given away to others. The child's parents, grandparents, uncles, aunts and other family members may all eat the meat.[1]

MAS'ALA 6: The meat may be distributed either raw, cooked or by preparing a meal and inviting people to eat.

MAS'ALA 7: A complete leg of the animal ought to be given to the child's wet nurse. In this regard, Allaama Ibnul Qayyim رحمه الله says:

وذكر ابوداؤد فی المراسیل عن جعفر بن محمد عن ابیه ان النبی صلی الله
علیه وسلم قال فی العقیقة التی عقتها فاطمةؓ عن الحسنؓ والحسینؓ ان ابعثوا
الی بیت القابلة برجل وكلوا واطعموا ولا تكسروا منها عظما "

(زاد المعاد ص ۳۔ ج ۲)

TRANSLATION: In his *Maraaseel*, Abu Dawood has reported from Hadhrat Ja'far bin Muhammad who reports from his father. He says, "Concerning the Aqeeqah Hadhrat Faatima رضي الله عنها made on behalf of Hadhrat Hasan τ and Hadhrat Husayn τ, Rasulullaah ρ instructed, 'Send a leg to the home of wet nurse. You should then eat and feed others without breaking the bones.'"

In his book "*Tuhfatul Wadood bi Ahkaamil Moulood*" (Pg.27), Allaama Ibnul Qayyim writes:

ورواه البیهقی من حدیث حسین بن زید عن جعفر بن محمد عن ابیه ان علیا
اعطی القابلة رجل العقیقة۔

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[1] Majmoo'atul Fataawaa by Moulana Abul Hasan Lakhnowi رحمه الله (Pg.398).

TRANSLATION: Bayhaqi has reported from Husayn bin Zaid who reports from Ja'far bin Muhammad and he from his father that Hadhrat Ali τ gave a leg from the Aqeeqah animal to the wet nurse.

MAS'ALA 8: Just as it is not permissible to give the butcher any Qurbaani meat as payment , it is also not permissible to give him any Aqeeqah meat as payment. It is however permissible to give him some meat if he is poor or for another reason apart from remuneration.

MAS'ALA 9: Some Ulema are of the opinion that it is best not to break the bones of the Aqeeqah meat but to rather remove the meat from the bones. This is taken as a good omen of the child's good health. They say further that (after removing the meat) the bones should be collected and buried. However, Imaam Maalik رحمه الله says that just as the bones of other types of meat may be broken, the same applies to the Aqeeqah meat. He mentioned:

تکسر عظامها و يطعم منها الجيران۔

Allaama Zurqaani رحمه الله says:

(ويكسر عظامها) جوازا" تكذيبا للجاهلية في تحرجهم من ذالک و تفصيلهم اياها من المفاصل۔ اذلا فائده في ذلک الا تباع الباطل ولا يلتفت الى من يقول فائدته التفاول بسلامته الصبى وبقائه۔ اذلا اصل له من كتاب ولا سنته ولا عمل۔

(شرح الموطا للزرقانی۔ ص ۳۲۰۔ ج ۳)

Hakeemul Ummah Hadhrat Moulana Ashraf Ali Thanwi رحمه الله has also passed a Fatwa to this effect. He writes:

"الجواب۔ فى رد المحتار وهى شاة تصلح للاضحيه تذبح للذكر والانثى سوا فرق لحمها نيا" او طبخت بحموضة او بدونها مع كسر عظمها اولا واتخاذ دعوة اولا۔

(امداد الفتاویٰ ص ۵۴۲ ج ۳ ص ۲۱۳۔ ج ۵)

MAS'ALA 10: The laws applicable to the skin of the Aqeeqah animal are the same as those that apply to the meat. Therefore, after tanning the skin, it may be used for some purpose or given to the poor. If it is sold, the money should be given as Sadaqah.

MAS'ALA 11: The skin of the Aqeeqah animal may be given to a wealthy person or a member of the Banu Haashim family (the family of Rasulullaah ρ).

MAS'ALA 12: It is not Waajib to shave the baby's hair on the day of the Aqeeqah. This is merely preferable and permissible. Hadhrat Moulana Abdul Hay Lakhnowi رحمہ اللہ writes:

الاستفسار- حلق شعر الولد یوم العقیقہ هل یجب؟

الاستبشار- لا بل هو مباح لا واجب ولا سنة کذا فی فتاوی عالمگیر-

(نفع المفتی والسائل ۱۲۲)

MAS'ALA 13: Because applying the blood of the Aqeeqah animal to the child's head was a practice of the Period of Ignorance, it is regarded as Makrooh by most Ulema. Hadhrat Moulana Lakhnowi رحمہ اللہ writes on page 22 of his *"Naf'ul Mufti was Saa'il"*:

الاستفسار- لطخ راس الصبی بدم العقیقہ هل یجوز؟

الاستبشار- کرہ اکثر اهل العلم لانہ من عمل الجاهلیہ کذا فی مطالب المومنین-

MAS'ALA 14: The expense of the Aqeeqah should be borne by the child's father. He should pay for it from his own money. Ameer Yemeni San'aani رحمہ اللہ states:

ا سرهم۔ ا ی ا لمسلمین با ن یعق کل مولود لہ عن ولدہ فعند ا لشا فعیؒ علی کل من تلزمہ ا لنفقۃ للمولود ۔ وعند ا لحنا بلۃ یتعین علی الا ب الا ا ن یموت او یمتنع۔

(سبل السلام شرح بلوغ المرام۔۹۹۔ ج ۴)

Abstaining from Incorrect Customary Practices

It is of utmost importance to abstain from the many incorrect customs that take place at the time of doing the Aqeeqah. People should abstain from wastefulness and for doing things for name and fame. It should be borne in mind that the practices of the Shari'ah tend to become unnecessarily burdensome because of customary practices that people introduce. As a result, it often become impossible to practice them at all. However, when these practices of Shari'ah are done according to the instructions of the Qur'aan and the Ahadeeth with minimal expenses, they become very easy. A child should never be deprived of the blessings of Aqeeqah merely because a person feels that he is unable to distribute meat to all the family members and townsfolk or unable to invite them all for a meal.

We shall now quote the wise, revolutionary and spiritually reforming words of Hakeemul Ummah Hadhrat Moulana Ashraf Ali Thanwi رحمه الله:

"CHAPTER TWO: Amongst these are the customary practices associated with Aqeeqah. All that is Sunnah and preferred is to slaughter two oats for a boy, one for a girl and to distribute either the raw or cooked meat. In addition to this, the hair is shaved off and silver equal to the weight of the hair is given as Sadaqah. Take careful note of other practices that are mere wastefulness.

1. Family men gather and when the hair is saved off, they collect cash notes in a brass cup for the barber. This is generally regarded to be the responsibility of the man of the house and to cater for this, people have to often take loans on interest. This clearly transgresses the laws of the Shari'ah. It is done for fame and to save oneself from ridicule, which is a branch of pride and clearly Haraam. The strange thing is this that while loans are generally taken by people in need and paid back when the debtor has the means, these loans are different. They are taken whether the person needs the money or not and when he goes to pay the back, the creditor refuses to accept the money and tells him to bring it only when he (the creditor) needs it for a function he is hosting.

The warnings that the Ahadeeth sound for taking loans are for these types of loans that people take without necessity. Indebting oneself without necessity totally displeases Rasulullaah ρ. When someone wishes to absolve himself of a debt and another (the creditor) chooses to keep him burdened with it, the act can have no good results. This custom therefore has evils stemming from the quarters of the person taking the loan as well as from the one giving the loan.

2. When the rights of people are abused in this manner, the evil of imitating the Kuffaar also crops up. Apart from this, other associated evils are:

   - The intention of the giver is incorrect because it is clear that when he does not have the means, it is most difficult for him to give. He gives only to save himself from embarrassment and his intention is therefore only to show off to others. Spending money for fame is clearly Haraam.
   - The one taking the money is actually accepting money that the giver is forced to give. He is giving only to save himself from the ridicule of others. Forcing anyone to give money that they are not obliged to give is also Haraam. In fact, even if he gives the money happily, it will be for the sake of name and fame, which is clearly forbidden in the Qur'aan and the Ahadeeth.

هذا ما عندى من المقال   والله اعلم وعنده حسن المال

What is the Waleemah in the Light of Islaam?

The Waleemah is a function that is hosted when a couple get married. The word Waleemah is derived from the word 'Iltiyaam' (التيام), which refers to getting together. Therefore, the word Waleemah is used for the getting together of people at a time when the couple get together. In his book *"Kitaabul Fiqh alal Madhaa'hibil Arba'a"* (Vol.2 Pg.32), Allaama Abdur Rahmaan Jazeeri رحمه الله writes:

تعريفها في اللغة اسم لطعام العرس خاصة فلا تطلق على غيره حقيقة
والعرس بضم العين يطلق على العقد وعلى الدخول ولكن الفقهاء يريدون
منه الدخول فالمراد بوليمة العرس عندهم الدعوة الى الطعام الذي يعمل
عند الدخول على المراة والبناء بها ـ اما الاطعمة الاخرى التي
تصنع عند حادث السرور ويدعى اليها الناس عادة فلها اسماء اخرى
غير الوليمة فلا تسمى وليمة تسمية حقيقة

TRANSLATION: Waleemah literally refers to the food fed at a wedding ceremony. It is used specifically for this function and therefore cannot be used to refer to any other function. The word "Urs" (عُرس) –wedding- has a Dhamma (ُ) on the Ayn (ع) and refers to the wedding contract as well as to the union of the couple. However, the Fuqahaa specify the word to refer to the consummation of marriage. Therefore, according to the Fuqahaa, the Waleemah at the time of "Urs" refers to the food that is fed to people to celebrate the wedding. Therefore, other feasts that people usually host for various other joyous occasions have names other than Waleemah and cannot be referred to as Waleemah.

The Types of Feasts

The book *Majma'ul Bihaar* states that there are eight types of feasts. They are as follows:

1. Waleemah: This is the feast hosted when a marriage takes place.
2. Khurs: This feast is hosted when a woman survives childbirth and a child is born.
3. I'dhaar: This feast is hosted after a child is circumcised.
4. Wakeerah: This feast is hosted to celebrate the building of a house.
5. Naqee'ah: This feast is hosted when a traveller returns from a journey. This is hosted either by the traveller himself or by his family and friends.
6. Wadheemah: This feast is hosted to celebrate salvation from a calamity.
7. Aqeeqah: This feast is hosted when the child's hair is shaved off and the name kept.
8. Ma'duba: This feast is hosted for no specific reason.

هکذا فی کتاب الفقہ علی المذاہب الاربعۃ (ج ۲۔ ص ۳۲) فتح الملہم
شرح صحیح مسلم (ج ۳۔ ص ۴۸۵) الحدیقۃ الندیۃ وبریقۃ محمودیہ شرح
طریقہ محمدیہ (ج ۲۔ ص ۱۷۲)

In his commentary of Durrul Mukhtaar, Allaama Tahtaawi رحمه الله names another three types of feasts, bringing the total to eleven. These are:

9. Ta'aamul Imlaak: The feast hosted by the bride's party and held before the actual wedding.
10. Hidhaak: The feast hosted to celebrate a child completing the Qur'aan.
11. Ateerah: a meal fed when an animal is slaughtered at the beginning of Rajab (majority of the Ulema do **not** sanction this).

ان الولائم عشرة مع واحد	من عدها قد عز فی اقرانہ
فالخرس عند نفاسہا و عقیقہ	للطفل والاعذار عند ختانہ
و لحفظ قرآن و اداب لقد	قالو الحذاق لحذقہ و بیانہ
ثمہ الملاک لعقدہ و ولیمتہ	فی عرسہ فاحرس علی اعلانہ
و کذا مادبہ بلا سبب یری	وو کیرۃ لبنائہ لمکانہ
و نقیعۃ لقدومہ وو ضیمتہ	لمصیبتہ و تکون من جیرانہ
ولاول الشہرا الاصم عتیرۃ	بذ بیحتہ جات لر فعتہ شانہ

(حاشیتہ الطحطاوی علی الدر المختار ج ۲ ص ۱۰)

The Importance of Waleemah in the Light of the Ahadeeth

ا۔ عن انس ان النبی صلی اللہ علیہ وسلم رای علی عبدالرحمٰن بن عوف اثر
صفرۃ فقال ما ھذا قال انی تزوجت امراۃ علی وزن نواۃ من ذھب قال
بارک اللہ لک اولم ولو بشاۃ

(متفق علیہ)

TRANSLATION: Hadhrat Anas τ reports that Rasulullaah ρ once saw some yellow traces (of perfume) on (the clothing or body) of Hadhrat Abdur Rahmaan bin Auf τ. "What is this?" enquired Rasulullaah ρ. When Hadhrat Abdur Rahmaan bin Auf τ informed Rasulullaah ρ that he had married a woman for a dowry equal to a date seed's weight in gold, Rasulullaah ρ said, "May Allaah bless your marriage. Host a Waleemah even though you have to slaughter a goat." (Bukhaari and Muslim)

EXPLANATION:

When Rasulullaah ρ saw the stain on Hadhrat Abdur Rahmaan bin Auf τ, he either asked about it spontaneously or because he wished to caution Hadhrat Abdur Rahmaan bin Auf τ against wearing a perfume called Khalooq which he had forbidden men from using. Khalooq was a perfume made from Saffron (thus its yellowish stain). Hadhrat Abdur Rahmaan bin Auf τ explained that he did not use it intentionally, but it had worn off onto him from his new bride.

The statement: "Host a Waleemah even though you have to slaughter a goat" either denotes the minimum effort or the maximum. Ulema explain that in this case, it denotes the maximum. This means that Rasulullaah ρ advised him to host a Waleemah even though it meant spending as much as a goat. Given the poverty prevalent at the time, it is farfetched to assume that the statement denoted the minimum measure. The Ahadeeth make it evident that during those days, people were so poor that they even fed a type of barley porridge and other

simple dishes at their Waleemah functions. In addition to this, during that particular time, Hadhrat Abdur Rahmaan bin Auf τ was not as wealthy as he became afterwards and it was unlikely that Rasulullaah ρ would ask him to slaughter a minimum of one goat to feed people.

In this regard, Allaama Rajab bin Ahmad رحمه الله writes in his book *Waseelah Ahmadiyyah* (Vol.4 Pg.176), which is a commentary of *Tareeqah Muhammadiyya ρ*:

ولو بشاة بعد القلة لضعف لان كون الشاة عندهم

ادنى غير معروف ولانه ذكر مسلم في صحيحه ان عرس صفيةؓ كان بغير لحم۔

Furthermore, Hadhrat Shah Waliullaah Muhaddith Dehlawi رحمه الله writes in his book *Musawwa* (Vol.2 Pg.24), which is a commentary of *Mu'atta*:

والتقدير بالشاة لمن اطاقها وليس بحتم لحديث يحيى بن سعيدؓ

(انه قال لقد بلغني ان رسول الله صلى الله عليه وسلم كان يولم بالوليمة

ما فيها خبز ولا لحم)

(مرقات شرح مشکوۃ، سبل السلام شرح بلوغ المرام۔ ص ۔۱۵۵۔ ج ۳)

NOTE: Congratulating the bridegroom on his marriage and making du'aa for the marriage has been proven in the Ahadeeth.

والحديث دليل انه يدعى للعروس بالبركة۔ (سبل السلام۔ ص ۱۵۴۔ ج۔ ۳)

عن انس قال ما اولم رسول الله صلى الله عليه وسلم على احد من نسائه ما اولم على زينب اولم بشاة

(متفق عليه)

TRANSLATION: Hadhrat Anas τ reports that Rasulullaah ρ never hosted a Waleemah function as large as he did for Hadhrat Zaynab (bint Jahash) رضي الله عنها. On that occasion, Rasulullaah ρ had a goat prepared. (Bukhaari and Muslim)

EXPLANATION: This narration substantiates what was mentioned earlier that serving a goat is the maximum expense one should incur for a Waleemah. Slaughtering and serving a goat for the Waleemah will classify the Waleemah as a large and expensive one.

عن انس قال اولم رسول الله صلى الله عليه وسلم حين بنى بزينب بنت جحش فاشبع الناس خبزا ولحما ـ

(رواه البخاري)

TRANSLATION: Hadhrat Anas τ reports that when Rasulullaah ρ consummated his marriage to Hadhrat Zaynab bint Jahash رضي الله عنها , he fed the people bread and meat. (Bukhaari)

It is stated on page 155 of *Subulus Salaam*:

وكان انسا يريد انه وقع في وليمته زينب بالشاة من البركة في الطعام ما لم يقع في غيرها ـ فانه اشبع الناس خبزا ولحما " فكان المراد لم يشبع احدا خبزا ولحما في وليمته من ولائمه صلى الله عليه وسلم اكثر مما وقع في وليمته زينب

وعن انسؓ قال ان رسول الله صلى الله عليه وسلم اعتق صفيةؓ و

تزوجها وجعل عتقها صداقها واولم عليها بحيس۔

(متفق عليه)

TRANSLATION: Hadhrat Anas τ says that Rasulullaah ρ first freed Hadhrat Safiyya رضي الله عنها and then married her, stipulating her freedom as dowry. He then served *Heys* for the Waleemah. (Bukhaari and Muslim)

EXPLANATION: Hadhrat Safiyya رضي الله عنها was the daughter of Huyay bin Akhtab the chief of the Jewish Banu Qurayzah and Banu Nadheer tribes who lived in Khaybar. When Allaah gave the Muslims victory over Khaybar, Hadhrat Safiyya رضي الله عنها was caught as a captive and became the slave of Rasulullaah ρ. However, Rasulullaah ρ set her free and then married her, thereby granting her the good fortune of bliss in this world as well as in the Aakhirah.

'*Heys*' is a sweet dish prepared with dates, butter and a cheese and sour milk mixture.

وعن انس قال اقام النبى صلى الله عليه وسلم بين خيبر والمدينة ثلاث

ليال يبنى عليه بصفية فدعوت المسلمين الى وليمته وما كان فيها من خبز و

لا لحم وما كان فيها الا ان امر بالانطاع فبسطت فالقى عليها التمر

والاقط والسمن۔

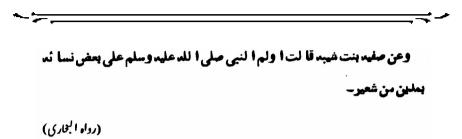
(رواه البخارى)

TRANSLATION: Hadhrat Anas τ reports that Rasulullaah ρ camped for three days at a place between Khaybar and Madinah, where his

consummated marriage to Hadhrat Safiyya رضي الله عنها . He then invited the Muslim to a Waleemah in which no meat or bread was served. All that Rasulullaah ρ did was to have a tablecloth spread out on which dates, a mixture of cheese and sour milk and some butter was placed. (Bukhaari)

EXPLANATION: This narration explains the *Heys* that was mentioned in the previous narration.

وعن صفيه بنت شيبه قالت اولم النبی صلی الله علیه وسلم علی بعض نسائه بمدین من شعیر۔

(رواه البخاری)

TRANSLATION: Hadhrat Safiyya bint Shaybah رضي الله عنها reports that for the Waleemah of one of his wives (probably Hadhrat Ummu Salamah رضي الله عنها), Rasulullaah ρ used only two *Mudd* of barley. (Bukhaari)

The Rationale of Waleemah

In his commentary of *Mu'atta*, Allaama Zurqaani رحمه الله writes:

قال الباجی امر صلی اللہ علیہ وسلم بالولیمۃ لما فیها من اشهار النكاح
مع ما يقترن بها ن مكارم الاخلاق۔

(زرقانی۔ ص ۵۷۔ ج ۴)

TRANSLATION: Allaama Baaji رحمه الله says that Rasulullaah ρ instructed the hosting of a Waleemah so that the marriage is publicised and it displays good character.

In his commentary of Muslim called Fat'hul Mulhim, Sheikhul Islaam Allaama Uthmaani رحمه الله states:

اما المصلحة فی مشروعیة الولیمه فقال العارف الكبير الشيخ ولی الله
الدهلوی قدس الله روحه وكان الناس يعتادو الوليمة قبل الدخول بها و
فی ذلک مصالح كثيرة۔ منها التلف باشاعة النكاح وانه على شرف
الدخول بها اذلا بد من الشاعة لئلا يبقى محل لوهم الواهم فی النسب
وليتميز النكاح عن السفاح بادی الرای و يتحقق اختصاصه بها على
اعين الناس و منها شكر ما اولا الله تعالى من انتظام تدبير المنزل بما
يصرفه الى عباده ينتفعهم به و منها البر بالمراة و قومها فان صرف المال
لها و جمع الناس فی امرها يدل كرامتها عليه وكونها ذات بال عنده و

مثل هذه الامور لا بد منها في اقامته التاليف فيما بين اهل المنزل لا سيما في اول اجتماعهم و منها ان تجدد النعمة حيث ملك ما لم يكن مالكا له يورث الفرح والنشاط والسرور و يهيج على صرف المال و في اتباع تلك الداعية التمدن على السخاوة او عصيان داعية الشح الى غير ذلك من الفوائد والمصالح فلما كان فيها جملة صالحة من فوائد السياسة المدينة والمنزلية و تهذيب النفس والاحسان وجب ان يبقيها النبي صلى الله عليه وسلم و يرغب فيها و يحث عليها و يعمل هو بها ولم يضبطه النبي صلى الله عليه وسلم بحد بمثل ما ذكرنا من المهر والحد الوسط الشاة والله سبحانه وتعالى اعلم.

It was the practice of people during the time of Rasulullaah ρ to host the Waleemah to display their mutual love. Amongst the many benefits for this is that the marriage becomes well publicised in this manner, which is absolutely essential for people not to have doubts about the legitimacy of their offspring. This differentiates a legitimate marriage from an adulterous relationship. The Waleemah is also an expression of gratitude to Allaah for providing the man with someone to administer all his domestic affairs. Another benefit of the Waleemah is that it is manner of entertaining the bride's family and the spending of money and inviting guests indicates to them that the husband honours and appreciates her. This goes a long way in bonding the couple and increasing their love for each other, especially since this is their first meeting.

The fact that the husband now has a bounty he never had before, his joy spurs him on to spend some money. This shows his generosity and abstention from miserliness. Besides these, there are various other benefits of the Waleemah related to social relations, domestic relations, personal character and good treatment of people. It is for this reason that Rasulullaah ρ wanted it to continue as a social practice and

encouraged it so much. In fact, Rasulullaah ρ himself put it into practice. However, Rasulullaah ρ did not enforce it as he did with the dowry, as we have already mentioned. The average Waleemah would entail sacrificing a goat. And Allah knows best.

اما المصلحة فی مشروعیة الولیمة فقال العارف الکبیر الشیخ ولی الله
الدهلوی قدس الله روحه وکان الناس یعتادوا الولیمة قبل الدخول بها و
فی ذلک مصالح کثیرة۔ منها التلطف باشاعة النکاح وانه علی شرف
الدخول بها اذلا بد من الاشاعة لئلا یبقی محل لوهم الواهم فی النسب
ولیتمیز النکاح عن السفاح بادی الرای و یتحقق اختصاصه بها علی
اعین الناس و منها شکر ما اولا الله تعالی من انتظام تدبیر المنزل بما
یصرفه الی عباده ینتفعهم به و منها البر بالمراة و قومها فان صرف المال
لها و جمع الناس فی امرها یدل کرامتها علیه وکونها ذات بال عنده و
مثل هذه الامور لا بدمنها فی اقامة التالیف فیما بین اهل المنزل لا

The Injunctions Pertaining to the Waleemah

The following appears in *"Kitaabul Fiqh alal Madhaa'hibil Arba'a"* (Vol.2 Pg.32):

اما الوليمة وهي طعام العرس يدعى اليها الناس كما عرفت فانها سنة
موكدة فيسن عند الدخول بالمرأة ان يولم الزوج بما تطيب به نفسه ويقدر
عليه مثله فاذا كان يقدر على ان يذبح لهم فيسن ان لا ينقص عن شاة لانها
اقل ما يطلب من القادر لقوله عليه السلام لعبد الرحمن بن عوف ؓ اولم ولو
بشاة من حديث رواه البخاري۔ اما اذا لم يقدر فانه يكتفي منه بما
يستطيع فقد روى البخاري ايضا "ان النبي صلى الله عليه وسلم اولم على
بعض نسائه بمدين من شعير۔ اما غير الوليمة من الاطعمة التي تصنع عند
حادث سرور وهي التي ذكرت اسماءها انفا فان في حكمها تفصيلا في
المذاهب۔

As it is popularly known, the Waleemah is a meal hosted when a couple is married. This is Sunnah Mu'akkadah which is hosted after consummation of the marriage. The husband should host the meal according to his financial status. If he is a wealthy person, he should at least slaughter a goat for the meal, as indicated by the narration of Bukhaari in which Rasulullaah ρ instructed Hadhrat Abdur Rahmaan bin Auf τ to slaughter a goat. If the person cannot afford this, he should spend whatever he can afford. This is also substantiated by a narration of Bukhaari in which it is stated that at the Waleemah of one of his wives, Rasulullaah ρ fed people what was prepared from two *Mudd* of barley. As for all other feasts besides the Waleemah that are hosted on other occasions of happiness, the various Madhaahib have their own regulations.

الحنیفہ قالوا ۔ السنۃ ھی ولیمۃ العرس وھی ان الرجل اذا بنی بامراتہ
فانہ یسن ان یدعوا الاقارب والجیران والاصدقاء ویصنع لھم طعاما و
یذبح لھم اما الدعوۃ الی طعام غیر العرس کالدعوۃ الی طعام الختان و
نحوہ مما ذکر فانھا جائزۃ متی کانت خالیۃ من محظور دینی۔ اما الطعام
الذی یصنع للماتم فانہ یجوز ان یصنعہ لاھل المیت غیرھم و یحملہ الیھم
و یاکل معھم فی الیوم الاول لانھم مشغولون۔ اما فی الیوم الثانی وما
بعدہ فانہ مکروہ۔ ولا تباح الضیافۃ ثلاث ایام فی ایام المصیبۃ۔
واذا فعل فلا باس من الاکل منہ وان عمل طعام للفقراء کان حسنا ”
بشرط ان لا یکون من المال القاصر۔

Scholars of the Hanafi school of jurisprudence state only the Waleemah meal is Sunnah (not the other types of feasts). This is done when a man has consummated the marriage. He then invites family, neighbours and friends for a meal for which he may slaughter a goat. As for other types of meals such as those hosted when a child is circumcised, they are permissible as long as nothing contrary to the Shari'ah is perpetrated. As for the food that is prepared when a funeral takes place, it will be permissible if people prepare it for the family of the deceased and on the day of the funeral and shares it with them because they are preoccupied with burial preparations. This is however Makrooh on the second day and the days thereafter. Although it is not proper to feed people for three days during the days of mourning (after a death), there is no harm in eating the food. It is however best to give it to the poor. It should be borne in mind that none of this food should be prepared with the wealth of minor heirs.

The Time of the Waleemah

There are several opinions about the time of the Waleemah. Whereas some maintain that it should be hosted only after consummation, others say that is should be when the marriage takes place. There are also those who believe that it should be hosted both at the time of the marriage as well as after consummation.

اختلف العلماء فی وقت فعلها ۔ فحکی القاضی ان الاصح عند مالک وغیرہ ۔ انہ یستحب فعلها بعد الدخول، وعن جماعتہ من المالکیتہ استحبابها عند العقد، وعن ابن حبیب المالکی استحبابها عند العقد وعند الدخول۔

(فتح الملهم ص ۴۸۵، ج ۳)، (زرقانی علی الموطا ۵۷۔ ج ۴، سبل السلام۔ ص ۱۵۵۔ ج ۳)

HOSTING THE WALEEMAH FOR SEVERAL DAYS AFTER THE MARRIAGE

Ulema are divided in their opinions about hosting the Waleemah for a period of more than two days. There are some who maintain that such an act is Makrooh. According to them, the most that a Waleemah can be hosted is two days. According to Imaam Maalik رحمه الله, a person may host the Waleemah for up to a week after the marriage. However, the best opinion is that a person should feed people for as long as he can afford. Therefore, if he is able to feed them only once, this will be sufficient. If he can afford to feed them several meals over several days, he may do this as well. Allaama Uthmaani رحمه الله writes:

واختلف السلف في تكرارها اكثر من يومين فكرهته طائفته ولم تكرهه طائفته قال واستحب اصحاب مالك للموسر كونها اسبوعا" قال القاری والمختار انه علی قدر حال الزوج۔

وعلی القول بالکراهته فی الیوم الثالث قال العمرانی انما تکره اذا کان المدعو فی الثالث هو المدعو فی الاول۔ والله اعلم۔

(فتح الملہم۔ ص ۴۸۵۔ ج ۳) ' اور علامہ زرقانی" شرح موطا ۵۷۔ ج ۴) پر لکھتے ہیں۔

In his commentary of the *Mu'atta*, Allaama Zurqaani رحمه الله writes:

واختلف السلف فی تکرارها اکثر من یومین بالاجازة والکراهة واستحب اصحابنا لاهل السعته اسبوعا" قال بعضهم وذلک اذا دعا فی کل یومٍ من لم یدع قبله۔ وکرهوا فیها المباهاة والسمعته۔

After a few lines, he writes further:

والمباح من الولیمته ما جرت به العادة من غیر سرف ولا سمعته والمختار منها یوم واحد ۔ قال ابن حبیب وابیح اکثر منه ورووی ان الیوم الثانی فضل والثالث سمعته۔ واجاب الحسن فی الیوم الاول والثانی ولم یجب فی الثالث۔ وروی عن ابن المسیب مثله۔ واولم ابن سیرین ثمانیه ایام ۔ قال ابن حبیب من وسع الله علیه فلیولم من یوم بنائه الی مثله یرید اذا قصد اشهار النکاح التوسعته علی الناس لا السمعته والمباهاته

MAS'ALA: Qadhi Ayaadh رحمه الله says that there is no limit regulating the maximum number of days nor the minimum number of days for the

Waleemah. The host should do what is most convenient and affordable for him. For a wealthy person, slaughtering a goat (or even more) should not be too much of an expense. He writes:

قال قاضی عیاض واجمعوا علی ان لا حدّ لا کثرها واما اقلّها فکذلک ومهما تیسرا اجزاء واالمستحب انها علی قدر حال الزوج وقد تیسر علی الموسر الشاة فما فوقها ۔

(فتح الملہم ص ۳۸۶۔ ج ۳)

Allaama Uthmaani رحمہ اللہ also says:

وفیہ ان الولیمہ تحصل بای طعام کان ولا یتوقف علیٰ شاة والسنتہ تقوم بغیر لحم۔

(فتح الملہم ج ۳ ۔ ص ۳۹۱)

MAS'ALA: If the bridegroom cannot afford to host a Waleemah, his friends, family or neighbours should assist by preparing some food and serving it to people as a Waleemah.

ویستحب لاصحاب الزوج وجیرانہ مساعدتہ فی الولیمتہ بطعام من عندہ

(فتح الملہم ۳۹۱۔ ج ۳)

Accepting the Waleemah Invitation

عن عبدا للّٰہ بن عمرؓ ا ن رسول ا للّٰہ صلی ا للّٰہ علیہ وسلم قا ل ا ذا دعی ا حد کم ا لی ا لولیمتہ فلیا تہا - (متفق علیہ) وفی روا یتہ لمسلم فلیجب عرسا " کا ن ا ونحوہ۔

TRANSLATION: Hadhrat Abdullaah bin Umar τ reports that Rasulullaah ρ said, "When any of you is invited for a Waleemah he ought to attend." (Bukhaari)

A narration of Muslim states that Rasulullaah ρ added, "Whether the invitation is for a marriage of for any other purpose."

EXPLANATION: Some Ulema are of the opinion that it is Waajib to accept an invitation to celebrate a marriage. They say that if a person does not attend without a valid excuse, he will be sinful. They base this on a Hadith in which Rasulullaah ρ said, "Whoever does not accept an invitation has disobeyed Allaah and His Rasool ρ."

Other Ulema say that it is not Waajib to accept the invitation, but rather Mustahab. It should however be borne in mind that accepting an invitation means actually attending it. Therefore, actually attending the function is Waajib according to some Ulema while others say that it is Mustahab. However, regarding eating the food at the Waleemah, Ulema are unanimous that this is Mustahab to do so if one is not fasting.

It is however Mustahab to accept invitations to functions that are not Waleemahs.

Allaama Uthmaani رحمہ اللہ writes in *Fat'hul Mulhim* (Vol.4 Pg.498):

و قد نقل ا بن عبدا لبر ثم عيا ض ثم ا لنووی ا لا تفا ق علی ا لقول بوجوب ا لا جا بتہ لولیمتہ ا لعرس۔ و فیہ نظر۔ نعم ا لمشهور من ا قوا ل ا لعلما ء ا لوجوب۔ و صرح جمهور ا لشا فعیتہ وا لحنا بلتہ با نها فرض عین و نصّ علیہ ما لک و عن بعض ا لشا فیعتہ وا لحنا بلتہ ا نها مستحبتہ۔ و ذکر ا للخمی من ا لما لکیہ ا نہ ا لمذهب۔

و کلا م صا حب ا لهدا یہ یقتضی ا لوجوب مع تصریحہ با نها سنتہ فکا نہ ا را د ا نها وجبت با لسنتہ و لیست فرضا " کما عرف من قا عدتهم و عن بعض ا لشا فعیتہ وا لحنا بلتہ هی فرض کفا یتہ و حکمی ا بن دقیق ا لعید فی شرح ا لا لما م ا ن محل ذلک ا ذا عمت ا لدعوة ا ما لوخص کل وا حد با لدعوة فا ن ا لا جا بتہ تتعین۔

عن جا برؓ قا ل قا ل رسول ا للہ صلی ا للہ علیہ وسلم ا ذا دعی ا حدکم ا لی طعا م فلیجب فا ن شا ء طعم و ا ن شا ء ترک

(رواہ مسلم)

TRANSLATION: Hadhrat Jaabir τ reports that Rasulullaah ρ said, "When one is invited for a meal, he should accept. Thereafter, he may eat the food if he pleases or leave it." (Muslim)

EXPLANATION: This Hadith confirms that accepting an invitation refers to attending the function. It is this that is either Waajib or Mustahab (according to the various opinions). Eating the food served at the function is Sunnah if one is not fasting.

Allaama Ibn Maalik رحمه الله says that the instruction to accept an invitation as mentioned in this Hadith denotes a Waajib act. However, the compulsion is for a person who has no excuse for not attending. For example, if the function is held at a place that is very far from the person and he will be greatly inconvenienced by attending, there is no harm if he does not attend. In this regard, Allaama Uthmaani رحمه الله writes in his *Fat'hul Mulhim* (Vol.4 Pg.500):

والاصح في مذهب اصحابنا انه لا يجب الاكل في وليمة العرس ولا في
غيرها ـ

According to our senior scholars, the most appropriate opinion is that it is not Waajib to eat at a Waleemah or at any other function.

The following appears in *Kitaabul Fiqh* (Vol.2 Pg.39):

ومتى اجاب الدعوة فقد ادى الفرض او السنة فلا يكلف بالاكل من
الطعام وانما الاكل مستحب فاذا دعي وهو صائم فعليه ان يذهب الى
محل الوليمة ويخبر الداعي بانه صائم ويدعو ثم ينصرف ـ فان كان يشق
ذلك على صاحب وليمة ويولمه عدم الاكل فان كان الصيام نفلا فانه
يستحب للمدعو ان يفطر لان ثواب ادخال السرور على اخيه المسلم
وعدم كسر قلبه اكبر من صيام التطوع اما ان كان الصيام فرضاً فانه لا
يصح له الفطر على اي حال ـ هذا ومن الادب ان يقبل الداعي عذره ولا
يلح عليه في الاكل ـ اهـ

By accepting the invitation and attending the function, one will be discharging the obligation or Sunnah. It is however not necessary to eat (in order to fulfil the duty) because eating is Mustahab. Therefore,

if a person happens to be fasting, he should attend the function and then inform the host about the fast, not neglecting to make du'aa for him before returning home. If the host would dislike this or would feel hurt if the guest does not eat, the guest should nullify the fast (and eat) if the fast is Nafl. This is so because making a Muslim brother happy and not breaking his heart is an act superior to a Nafl fast. However, if the fast is an obligatory one, it is wrong to nullify it under any circumstances. It would then be necessary for the host to accept the excuse and not to insist that he guest eats.

The Verdict Of The Hanafi Ulema Regarding Nullifying A Nafl Fast

Further on in his book *Kitaabul Fiqh*, Allaama Jazeeri رحمه الله says:

الحنفية قالوا ان كان يثق من نفسه بقضاء اليوم يفطر دفعا للاذى من
اخيه المسلم وان كان لا يثق من نفسه بالقضاء فانه لا يفطر وان كان
فيه اذى للداعي۔ وهذا اذا كان الافطار قبل الزوال فانه لا يحل
الفطر الا اذا ترتب على الصيام عقوق الوالدين۔

The Hanafi scholars say that if the guest trusts himself to observe the Qadhaa fast, he may terminate the fast to prevent his Muslim brother (the host) from feeling hurt. However, if he does not trust himself to observe the Qadhaa fast, he should not terminate the fast eve at the expense of hurting the host's feelings. However, this applies only when the situation arises before Zawaal. Otherwise (if it is after Zawaal), the fast may not be terminated unless continuing the fast would result in disobeying one's parents.

Some Injunctions Pertaining to Accepting the Waleemah Invitation

In his book *Kitaabul Fiqh* (Vol.2 Pg.34), Allaama Jazeeri رحمه الله says:

الحنفية لهم رايان في ذلك احدهما الاجابة سنة موكدة سوا كانت
الدعوة الى وليمة او غيرها متى استكملت الشروط ثانيهما ان الاجابة
سنة موكدة قريبة من الواجب في وليمة النكاح وهوا المشهور' اما
الاجابة الى غير الوليمة فهي افضل من غير الاجابة و بعضهم يقول
ان الاجابة الى وليمة النكاح واجبة لا يجوز تركها ۔

The Hanafi scholars have two opinions in the matter. The first is that it is Sunnah Mu'akkadah to accept and invitation, regardless of whether the invitation is to a Waleemah or any other function. This is however on condition that conditions are met (there is nothing contrary to the Shari'ah). The second opinion which is the more famous one is that accepting the invitation to a Waleemah is Sunnah Mu'akkadah which is close to Waajib. As for invitations to functions besides a Waleemah, accepting them is better than not accepting. There are however those who maintain that it is Waajib to accept the invitation to a Waleemah and that refusing to attend is not permissible.

The Conditions that make it Sunnah to Accept a Waleemah Invitation

In his book *Kitaabul Fiqh* (Vol.2 Pg.37), Allaama Jazeeri رحمه الله writes:

الحنفية قالوا لا يسّن اجابة الدعوة الا بشروط۔
اوّلا "۔ ان لا يكون الداعي فاسقا مجاهرا بالفسق فلا تسن
اجابة الفاسق والظالم بل تكون خلاف الاولى۔ لانه ينبغي ان يتورع
عن اكل طعام الظالم وان كان يحل۔

ثا نیا "۔ ا ن لا تکون غا لیہ ما لہ حرا ما فا نہ علم بذلک فا نہ لا تجب علیہ ا لا جا بتہ ولا با کل ما لمم خبرہ با ن ا لما ل ا لذی صنع منہ ا لطعا م حلا ل ا صا بہ با لورا ثتہ و نحوھا فا ن کا ن غا لبہ ما لہ حلا لا " فا نہ لا با س با کل جا بتہ وا لا کل۔

ثا لثا "۔ ا ن لا تکون ا لولیمتہ مشتملتہ علی معصیتہ کخمر و نحو۔

فن دعی ا لی ولیمتہ فا ن ا لا جا بتہ لا تسن فی حقہ ا ذا علم ا نہ مشتملتہ علی معصیتہ فا ن لم یعلم بہا فا ن ا لا جا بتہ لا تسقط عنہ ۔ فا ذا ذھب و ھو یعلم ووجدا لمعصیتہ کشرب ا لخمر وا لتما ثیل فا ن کا نت علی ا لما ئدۃ فا نہ یجب علیہ ا ن یجلس بل یخرج معرضا ۔ ا ما ا ذا کا نت ا لمعصیتہ فی مکا ن بعید عن ا لما ئدۃ وھو یسمعھا ا و یرا ھا فا ن قدر علی ا نا لتھا وجب علیہ ا ن یفعل وا ن لم یقدر فا ن کا ن ممن یقتدی بہ فا ن یجب علیہ ا ن یخرج ا یضا وا لا " فلا با س با ن یقعد و یا کل۔ ا ما ا ذا کا ن عا لما قبل ا ن یذھب فا نہ لا یحل لہ ا لذھا ب ا لا ا ذا کا ن لہ تا ثیر علی ا نفسھم فیتر کون ا لمنکر من ا جلہ ۔ فا نہ فی ھذہ ا لحا لہ تجب علیہ ا لا جا بہ و یجب علیہ ا لذھا ب لا زا لہ ا لمنکر۔

را بعا "۔ ا ن لا یکون ا لمدعو معذورا بعذر شرعی کمرض و نحوہ۔

خا مسا "۔ ا ن یعینہ ا لدا عی۔ بشخصہ۔ صریحا ا و ضمنا "

سا دسا ۔ ا ن تکون ا لدعوۃ فی وقت ا لولیمہ ا لمشروع۔

Hanafi scholars state that until the following conditions are met, it is not Sunnah to accept a Waleemah invitation:

First. The host should not be someone who publicly sins. It is not Sunnah to accept invitations from people who are immoral or tyrannical because this is contrary to the best approach. It is best to avoid eating the food of wrongdoers even though the food may be Halaal.

Second. The bulk of the host's earnings should not be from Haraam sources. If the guest discovers that the earnings are Haraam, he would not be obliged to accept the invitation. He should not eat the food until it is ascertained that the money was attained through Halaal sources such as inheritance. There will however be no harm in eating the food if it is determined that the bulk of his earnings are Halaal.

Third. Haraam acts will be taking place at the Waleemah such as drinking liquor, etc. Therefore, if a person is invited for a Waleemah and finds out that some activity will be taking place that conflicts with the Shari'ah, it would not be Sunnah to accept. The instruction to accept the invitation will not be waived if one has no certain knowledge of Haraam activities. He should then attend the function and if he sees that a Haraam activity is taking place such as the consuming of liquor or the presence of statues there, he should not sit there but turn around and walk away. If the Haraam activity is not where the food is being served but it can be heard or seen from there, it will be Waajib for the guest to stop it if he is in a position to do so. If he cannot stop it and is a person whom others follow, it is Waajib for him to leave the place. If he is not a person whom people follow, he may sit there and eat. If he comes to know about this before attending, he may not attend. If the guest is such an influential person that in front of him people will not indulge in these Haraam activities, it will be Waajib for him to attend so that these activities are curtailed.

Fourth. The guest has no valid excuse such as illness for not attending. (If he has a valid excuse, it will not be Sunnah to accept the invitation.)

Fifth. The host has to specify who the guest is, either clearly or buy indication.

Sixth. The Waleemah should take place during the time specified by the Shari'ah.

Allaama Teebi رحمه الله and Ibn Maalik رحمه الله have stated that there are times when accepting the invitation will neither be Waajib nor Sunnah. This will happen when the guest knows that the food will be Haraam or that only rich people are being invited. It will also happen if the guest knows that another guest will be there from whom he fears harm or that person is to worth associating with. In these cases, there will be no harm in refusing the invitation. It is also best not to accept the invitation if one is being invited merely to make one happy and to be saved from one's harm. Similarly, the invitation should also not be accepted if one is being invited to fulfil some ulterior worldly motive or to assist in some Haraam activity. The invitation should also be refused if Haraam activities will be taking place such as drinking liquor, singing, dancing or if seating is to be on a silken rug. (Adapted from Subulus Salaam (Vol.3 Pg.155) and Mazaahire Haqq)

NOTE: Subhaanallaah! How simple is the Waleemah! Neither does it require elaborate functions to prelude it nor any music. There is no need for jewellery, fancy clothing, fireworks, impressive vehicles, horses or elephants. If the husband can afford to give the wife some jewellery, clothing and a dowry, he should do so according to his financial means. All that he needs to do is go either walking or by conveyance to the lady's house where the two sentences (proposal and acceptance) are spoken. Thereafter, he is at liberty to take her home again either walking or by conveyance.

However, Muslims have forsake their Deen and opted to ape the ways of others in their weddings. Some Muslims have stooped to the level of believing that the wedding cannot take place without having alive band playing music. Others even say that without these Haraam activities, the wedding is not a wedding but a funeral. They fail to realise that

these practices contradict the Shari'ah, waste money and are a cause of calamities to befall them. Every person participating is equally guilty of every sin taking place there and they will also receive the burden of the sins of all people who emulate them afterwards.

Rasulullaah ρ had mentioned that his Rabb had commanded him to destroy all musical instruments. One cannot imagine the intensity of the sins that people incur in their music-filled weddings when they promote the very things that Rasulullaah ρ had been sent to destroy. When people have women dancing on the stage, many sins are inadvertently committed:

1. By the guests looking at them, they are guilty of fornication with their eyes
2. By the guests listening to them, they are guilty of fornication with their ears
3. By the guests talking to them, they are guilty of fornication with their tongues
4. By the guests desiring them, they are guilty of fornication with their hearts
5. By the more immoral guests touching them, they are guilty of fornication with their hands
6. By the guests walking to them, they are guilty of fornication with their legs

All this is stated clearly in the following Hadith of Rasulullaah ρ, narrated in Muslim.

قال رسول الله صلى الله عليه وسلم فالعينان زناهما النظر والاذنان زناهما الاستماع واللسان زناه الكلام واليد زناها البطش والرجل زناها الخطى والقلب يهوى ويتمنى ويصدق ذلك الفرج او يكذبه

The following appears in *Kitaabul Fiqh* (Vol.2 Pg.42):

اما اللعب فان المباح منه ما كان خاليا من التكلم بالفحش والكذب و كشف العورة والاستهزاء بالناس ورقص النساء بحضرة رجال لا يحلون لهن كما جرت عادة بعض السفهاء من احضار الموسات ليرقصن في ولائمهم فان كان مشتملا على شئي من ذلك كان محرما " لا يحصل التفرج عليه ولا اجابه الدعوة للوليمه المشتمله عليه۔

The only permissible entertainment is that which is free of lewd talk, lies, exposure of those limbs that have to be concealed, mocking people and women dancing in the presence of men. It has been the practice of foolish people to call immoral performing women to their Waleemah gatherings to dance. This is Haraam. Neither is it permissible to attend such a function nor it permissible to accept an invitation to it.

Concerning the injunctions pertaining to music and musical instruments, Hadhrat Mufti Muhammad Shafee رحمه الله has the following to say in his *Ma'aariful Qur'aan* (Vol.7 Pg.27):

1. Abu Dawood and Ibn Maajah in their *Sunan* and Ibn Hibbaan in his *Saheeh* quote a Hadith from Hadhrat Abu Maalik Ash'ari τ in which Rasulullaah ρ says:

   ليشربن ناس من امتى الخمر يسمونها بغير اسمها يعزف على روسهم بالمعازف والمغنيات يخسف الله بهم الارض و يجعل الله منهم القردة والخنازير۔

   "Calling it names other than its own, some people from my Ummah shall drink wine as musical instruments are playing before them and dancing women perform for them. Allaah shall make the earth swallow them and transfigure some of them into apes and swine."

2. Hadhrat Abdullaah bin Abbaas τ reports from Rasulullaah ρ that Allaah has forbidden wine, gambling and musical instruments. He also said that every intoxicant is Haraam. (Ahmad, Abu Dawood and Ibn Hibbaan)

3. Hadhrat Abu Hurayrah τ reports from Rasulullaah ρ that when the following vices occur amongst the Ummah, they should await the coming of a red tempest, earthquakes, sinkholes, transfiguring of faces and the various signs of Qiyaamah which will follow in succession just as beads fall to the ground from a broken necklace. These vices are:

   - When people regard booty as their personal wealth
   - When people regard trusts as their booty
   - When they regard zakaah as a penalty
   - When the knowledge of Deen will be acquired for worldly gain
   - When men obey their wives and disobey their mothers
   - When people take their friends in confidence and stay aloof from their fathers
   - When there will be noise in the Masjids
   - When the leader of a tribe will the one who is most sinful and immoral
   - When the leader of a nation will be the worst of them
   - When an evil person will be honoured to be saved from his evil
   - When music and dancing women will be common
   - When drinking wine will be commonplace
   - When latter generations will curse the former generations

   This Hadith should be read over and over again. One sees that it depicts the world as we see it today. The vices that Muslims are increasingly involving themselves in have been forewarned by Rasulullaah ρ more then fourteen hundred years ago. Rasulullaah ρ cautioned Muslims to avoid these vices at all costs because once they become prevalent, various punishments will come to them and the final signs of Qiyaamah will start to appear. Amongst these vices are music and dancing women. Besides these, there are many other authentic narrations forbidding music and warnings of severe punishments for it. These Ahadeeth are quoted in my booklet

"Kashful Ina an Wasfil Ghina". They have also been presented in Arabic in the fifth volume of *"Ahkaamul Qur'aan"*.

MAS'ALA: Just as one understands that it is not permissible to allow music, live bands and other Haraam activities in one's own home, it is also not permissible to attend them when they take place in the homes of other people.

It is also documented in *Durrul Mukhtaar* that it is only Sunnah to attend a function when there is no singing and dancing there. If one learns that such activities will be taking place, one should not attend. If one finds out about this only after attending and if it is taking place in the same area where the food is being served, one should immediately leave. However, if it is taking place elsewhere, one may eat the food. If one is able to stop the evil, he should do so and if not, he should restrain himself. Should one be a religious leader and unable to stop the evil, one should leave immediately and neither sit there nor eat the food. If it is discovered before the function that these evils will be staged there, one should not attend whether one is a religious leader or not.

Here is the relevant text of *Durrul Mukhtaar* (Vol.6 Pg.348):

دعی الی ولیمہ وثمہ لعب او غناء قعد واکل لو المنکر فی المنزل فلو علی
المائدة لا ینبغی ان یقعد بل یخرج معرضا لقولہ تعالی فلا تقعد بعد
الذکری مع القوم الظلمین۔ فان قدر علی المنع فعل وا لا یقدر صبر ان لم
یکن ممن یقتدی بہ فان کان مقتدی ولم یقدر علی المنع خرج ولم یقعد لان فیہ
شین الدین والمحکی عن الامام کان قبل ان یصیر مقتدی بہ وان علم
اولاً باللعب لا یحضر اصلاً سواء کان ممن یقتدی بہ اولا لان حق
الدعوة انما یلزمہ بعد الحضور لا قبلہ۔ وفی السراج ودلت المسئلہ ان
الملاهی کلها حرام۔

MAS'ALA: If one knows that by him attending, the evil activities will be stopped, he should attend with the intention of stopping evil. On the other hand, if he knows that by not attending, people will take a lesson and realise that he will not attend functions that have these evils, it will be necessary for him not to attend. (Aalamgeeri)

It is a Great Wrong to Invite Only Wealthy People for a Waleemah

عن ابی ہریرۃ قال قال رسول اللّٰہ صلی اللّٰہ علیہ وسلم شرا لطعام طعام الولیمہ یدعی لہا الاغنیا و یترک الفقراء ومن ترک الدعوۃ فقد عصی اللہ ورسولہ

(متفق علیہ)

TRANSLATION: Hadhrat Abu Hurayrah τ reports that Rasulullaah ρ said, "The worst of all food is the food of that Waleemah to which the wealthy were invited and the poor left out. Whoever declines and invitation (without good reason) had certainly disobeyed Allaah and His Rasool ρ." (Bukhaari and Muslim)

EXPLANATION: This Hadith obviously does not condemn eating at all Waleemah functions because it actually classifies a person as a sinner if he declines such an invitation. The Hadith condemns to food of only that Waleemah to which the wealthy are invited and the poor ignored. It was a practice during those times to invite only the wealthy and to feed them the best of foods while the poor were not even thought of. Rasulullaah ρ intended preventing such practices by encouraging people to invite the poor as well. It is however not forbidden to attend a Waleemah function where only the wealthy have been invited. Allaama Zurqaani رحمہ اللہ writes in his commentary of *Mu'atta* (Vol.4 Pg.60):

قال النووی بین الحدیث وجه کونه شر الطعام بانه یدعی له الغنی عن اکله و یترک المحتاج لا کله والا ولی العکس ولیس فیه ما یدل علی حرمه الا کل اذلم یقل احد بحرمه الاجابه وانما هو من باب ترک الا ولی کخبر خیر صفوف الرجال اولها و شرها اخرها ولم یقل احد بحرمه الصلوة فی الصف الخیر والقصد من الحدیث الحث علی دعوة الفقیر وان لا یقتصر علی الا غنیا ـ

MAS'ALA: Ulema have mentioned that inviting only wealthy people for a Waleemah is Makrooh. There will therefore be no harm in not accepting an invitation to such a Waleemah.

وقد کره العلماء تخصیص الا غنیاء بالدعوة فان فعل فقال ابن مسعودؓ اذا خص الا غنیاء امرنا ان لا نجیب ـ

(زرقانی ص ۶۰ ج ۴ ـ و فتح الملہم ص ۵۰۰ ج ۳)

MAS'ALA: There is no harm if some poor people are also invited along with the wealthy and they are fed the same food at a different venue. Sheikhul Islaam Allaama Uthmaani رحمہ اللہ writes:

قال ابن بطال واذا میز الداعی بین الا غنیاء والفقراء فاطعم کلا علحده لم یکن به باس وقد فعله ابن عمرؓ

(فتح الملہم ـ ص ۵۰۰ ج ۳)

Allaama Zurqaani writes in is commentary of *Mu'atta* (Vol.4 Pg.60):

ودعا ابن عمرؓ فی ولیمتہ الاغنیاء والفقراء فجائت قریش و معھا

المساکین فقال لھم ھاھنا فاجلسوا لا تفسدوا علیھم ثیابھم فانا

سنطعمکم مما یاکلون۔

When Rasulullaah ρ mentions that the person who (without a valid excuse) declines an invitation has disobeyed Allaah and His Rasool ρ, this is because Allaah and Rasulullaah ρ have instructed us to accept invitations. By declining an invitation, a person disobeys the command of Allaah. Imaam Sha'raani رحمه الله writes that this is because we have undertaken a pledge with Allaah through Rasulullaah ρ not to decline an invitation without a valid excuse.

اخذ علینا العھد العام من رسول اللہ صلی اللّٰہ علیہ وسلم ان لا نتخلف عن

الاجابۃ الی الولائم الا بعذر شرعی ومتی تخلفنا ترفھا " و ضخامۃ و

اختقارا للداعی فقد عصینا رسول اللہ صلی اللہ علیہ وسلم۔

An Uninvited Person May Eat Only With The Permission Of The Host

عن ابی مسعود الانصاریؓ قال کان رجل من الانصار یکنی ابا شعیب

کان لہ غلام لحام فقال اصنع لی طعاما " یکفی خمسۃ لعلی ادعو النبی

صلی اللہ علیہ وسلم خامس خمسۃ فصنع لہ طعیما ثم اتاہ فدعاہ فتبعھم

رجل فقال النبی صلی اللّٰہ علیہ وسلم یا ابا شعیب ان رجلا تبعنا فان

شئت اذنت لہ وان شئت ترکتہ قال لا بل اذنت لہ

(متفق علیہ)

TRANSLATION: Hadhrat Abu Mas'ood Ansaari τ reports that a man from the Ansaar who was called Abu Shu'ayb τ had a slave who sold meat. One day, he said to his slave, "Prepare for me a meal to serve five persons so that I may invite Rasulullaah ρ as one of five persons." When the slave had prepared the small meal, Hadhrat Abu Shu'ayb τ went to Rasulullaah ρ and invited him (with another four Sahabah ψ). However, another Sahabi τ tagged along with them. (When they reached the house) Rasulullaah ρ said, "O Abu Shu'ayb! You may permit him in if you please, otherwise you may leave him out." Hadhrat Abu Shu'ayb τ replied, "He is most welcome." (Bukhaari and Muslim)

EXPLANATION: This Hadith makes it clear that it is wrong for anyone to attend a function without being invited. It is also wrong for a guest to bring along someone who is not invited. There will however be no problem if the function is such that all are invited or if the guest is certain that the host would not mind the extra person. Besides this, the Hadith also highlights a few other factors:

First. It is not permissible to enter a person's house without his permission.

Second. If another person tags along with the guests, the guests should first seek permission from the host before bringing him in.

Third. It is preferable for the host to permit the uninvited person to share the meal as long as this does not inconvenience the guests. If he has to send the person away, he should do so politely and also give the person some food to take with. This is of course applicable when the person is in need.

The book Sharhus Sunnah states that this Hadith makes it evident that it is not permissible for an uninvited guest to join in the meal.

Reproach for Those who Attend without an Invitation

عن عبدا للّٰه بن عمرؓ قا ل قا ل رسول ا للّٰه صلی ا للہ علیہ وسلم من دعی فلم یجب فقد عصی ا للّٰہ ورسولہ و من د خل علی غیر دعوۃ د خل سا رقا " و خرج مغیرا ۔

TRANSLATION: Hadhrat Abdullaah bin Umar τ narrates that Rasulullaah ρ said, "Whoever is invited and then declined (without a valid excuse), then he has certainly disobeyed Allaah and His Rasool ρ. As for the one who attends without an invitation, he attends as a thief and leaves after looting." (Abu Dawood)

EXPLANATION: The person attending a function without an invitation is likened to a thief because he is entering someone's place without permission just as a thief does when he steals. Therefore, just as a thief is sinful, this person is also sinful because of his uncouth and wrong act. In this Hadith, Rasulullaah ρ has taught his Ummah two fundamental lessons. The first is that declining an invitation without good reason denotes pride and lack of love. The second is that by attending a function without an invitation denotes greed and corrodes a person's honour.

Which Invitation Should be Accepted if a Person Receives Two Invitations?

عن رجل من ا صحا ب رسول ا للّٰه صلی ا للہ علیہ وسلم ا ن رسول ا للّٰه صلی ا للّٰه علیہ وسلم ا ذا ا جتمع ا لدا عیا ن فا جب ا قربھما با با و ا ن سبق ا حدھما فا جب ا لذی سبق۔

(رواہ احمد ابوداوٗد)

TRANSLATION: A Sahabi τ reports that whenever Rasulullaah ρ received two invitations (simultaneously), he accepted the one whose door was closer. However, if the one came before the other, he would accept the one that came first. (Ahmad and Abu Dawood)

EXPLANATION: This Hadith applies when both invitations are for functions taking place at the same time or when one is unable to attend both. If it is possible to attend both functions, one should proceed to do so.

The action of Rasulullaah ρ also tells us about dealing with invitations from two persons of equal affinity to one. Therefore, if two neighbours invite one, one should accept the invitation of the one whose house is nearer. Otherwise, if the two persons do not share an equally close relationship with one, one is at liberty to give preference to the one with whom one is more familiar or who is the more pious of the two.

In his explanation of this Hadith, Ameer Yemeni San'aani رحمه الله writes in his book *Subulus Salaam* (Vol.3 Pg.158):

وفيه دليل على انه اذا اجتمع داعيان فالاحق بالاجابة الاسبق فان
استويا قدم الجار- والجار على مراتب فاحقهم اقربهم بابا فان استويا
اقرع بينهم

NOTE: This Hadith also teaches us that if two students come to learn at the same time or if two persons come to ask a question at the same time, the one who comes first should be attended to first.

Hosting the Waleemah for Several Days for Pomp and Show

عن ابن مسعود قال قال رسول اللّٰه صلى اللّٰه عليه وسلم طعام اول يوم حق و
طعام يوم الثاني سنته و طعام يوم الثالث سمعه ومن سمع سمع اللّٰه به ـ

(رواه الترمذی)

TRANSLATION: Hadhrat Abu Mas'ood τ reports that Rasulullaah ρ said, "Feeding (meals for the Waleemah) on the first day is a right, feeding on the second day is Sunnah and feeding on the third day is to make

people hear (about the host i.e. for show). Whoever does something to make people hear, Allaah shall make them hear about him (his evils) on the Day of Qiyaamah (causing him great embarrassment)." (Tirmidhi)

EXPLANATION: The meaning of the word 'right' is Sunnah Mu'akkadah or Waajib, according to the difference of the Ulema concerning hosting the Waleemah. This will therefore be the status of the feeding people for the first day. Feeding people for the second day is a Sunnah act which is preferable. However, feeding people after the first two days generally stems from the person's desire to have people praise him. The person who feeds for this reason is warned that he will be disgraced on the Day of Qiyaamah. On the Day of Qiyaamah an announcement will be made stating that he was a liar and a show-off who fed people for show.

Allaama Teebi رحمه الله says that a person should always express gratitude for any bounty that Allaah blesses him with. The gratitude for the bounty of marriage is hosting the Waleemah, which is necessary on the first day and preferable on the next day to compensate for any deficiencies on the first. A Sunnah act usually completes a Waajib act. Feeding people on the third day is nothing but ostentation. (*Mirqaat, Mazaahire Haqq*)

It should be borne in mind that feeding on the third day is forbidden only if the same people were fed on the first two days and if the intention of the person is to show off. However, if a person's intention is to earn greater rewards by feeding more people and he was unable to feed all the people during the first two days, there is no prohibition for him to feed the remaining people on the third day. Similarly, if people arrived from distant places to attend the marriage, there will be no harm in feeding them as guests for as long as they stay over, even though it means feeding them for more than three days. The basis is therefore the intention. If the intention is to please Allaah and not for pomp and show, there will be no sin.

It is not Permissible to Eat the Food of People Who Vie with Others to Show Off

عن عكرمته عن ا بن عبا س ا ن ا لنبي صلى ا للّٰه عليه وسلم نهى عن طعا م
ا لمتبا ريين ا ن يوكل (روا ه ا بو دا ود وقا ل محي ا لسنّة وا لصحيح ا ن عن
عكرمة عن ا لنبي صلى ا للّٰه عليه وسلم موسلا ")

TRANSLATION: Hadhrat Ikramah reports from Hadhrat Abdullaah bin Abbaas τ that Rasulullaah ρ forbade eating the food of people who vie with each other (for show). (Abu Dawood)

EXPLANATION: Those who vie with each other are those who compete in cooking and feeding people with the intention of outdoing the other. The intention of each of these persons is to earning more fame than the other. The instruction from Rasulullaah ρ is that a person should not eat the food of such people when they invite him. While this caution is not exercised nowadays, the saints of earlier times were very cautious not to accept invitations from people whom they suspected were inviting them to earn fame by outdoing others.

Imaam Sha'raani رحمه الله writes in his book *Lawaaqihul Anwaar* (Pg.779):

وا علم ا ن من ا لعذر ا لشرعي لنا في علم ا لا جا به وجود منكر هنا ک لا
يزول بحضورنا وعن عذرنا في ترک ا لا کل وجود شبهه في ا لطعا م ا وعدم
صلا ح ا لنيه في عمله

NOTE: The word 'riyaa' (ostentation) is a root used to describe the action of a person carrying out an act of worship to show someone other than Allaah so as to earn praise and status amongst people. Because the objective of an act of 'riyaa' is not to fulfil the command of Allaah and not to attain Allaah's pleasure, it is referred to as the lesser Shirk (lesser polytheism). An act is accepted by Allaah only if it is

completely free of 'riyaa'. To the extent that 'riyaa' is mingled with the act, to that extent is the acceptance of the act affected. Rasulullaah ρ said, "Actions are judged according to their intentions and every person will be rewarded according to his intention. Therefore, whoever migrated for the sake of Allaah and His Rasool ρ, his migration shall be for Allaah and His Rasool ρ (he will be rewarded in full). On the other hand, whoever migrated for worldly gain or to marry a woman, his migration shall be for that which he migrated (and he will have no reward for it)." (Bukhaari and Muslim)

There are two conditions for an action to be accepted by Allaah. These are the correctness of the action and sincerity of intention. An action is unacceptable if it is done with a sincere intention but incorrectly. Similarly, it will also be unacceptable when done correctly but without sincerity. Sincerity of intention means that it should be done only for Allaah and not to impress people. Correctness means that it should be done as shown by Rasulullaah ρ.[1]

Not Accepting the Invitation of an Open Sinner

عن عمران بن حصين قال نهى رسول الله صلى الله عليه وسلم عن اجابة طعام الفاسقين۔

TRANSLATION: Hadhrat Imraan bin Husayn τ reports that Rasulullaah ρ forbade eating the food of open sinners.

EXPLANATION: The term 'open sinner' is general and refers to people who perpetrate any type of sin openly. The reason for not eating their food is that they are generally not careful about the lawfulness of their food and are not concerned about ensuring that their earnings are lawful. The possibility also exists that such a person is a tyrant who usurps the wealth of others. Eating such a person's food is undoubtedly impermissible. Besides this, accepting the invitation to please such a sinner is clearly not permissible.

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[1] *Qaamoosul Qur'aan* pgs. 689,690, as referred to in the *Tafseer* of Ibn Katheer.